

SENATE.

FRIDAY, October 3, 1919.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for the high patriotism and for the common interest and motive that inspire us and impel us in the discussion of the great issues of this day. We thank Thee that we try to find the path of destiny which is God's path for us as a Nation. We pray that this day we may be kept close to Thee; that we may not depart from Thy will or Thy Word, but work out for this Nation a plan and policy that will be pleasing in Thy sight, and that will bring peace and prosperity to the land. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Gay	Moses	Simmons
Beckham	Gerry	Myers	Smith, Ariz.
Brandagee	Gronna	Nelson	Smith, Md.
Calder	Hale	New	Smoot
Capper	Harding	Newberry	Spencer
Chamberlain	Harris	Norris	Swanson
Colt	Harrison	Nugent	Thomas
Culberson	Henderson	Overman	Townsend
Cummins	Jones, N. Mex.	Owen	Trammell
Curtis	Jones, Wash.	Page	Underwood
Dial	Kellogg	Penrose	Wadsworth
Dillingham	Kendrick	Phelan	Walsh, Mass.
Edge	King	Pittman	Walsh, Mont.
Elkins	Kirby	Poindexter	Warren
Fernald	Knox	Pomerene	Watson
Fletcher	Leafoot	Robinson	Williams
France	McCormick	Sheppard	
Frelinghuysen	McLean	Sherman	

Mr. WALSH of Massachusetts. I wish to announce that the Senator from Iowa [Mr. KENYON], the Senator from South Dakota [Mr. STERLING], the Senator from Colorado [Mr. PHIPPS], and the Senator from Tennessee [Mr. MCKELLAR] are attending an important meeting of the Committee on Education and Labor.

Mr. GAY. I announce that the Senator from Oregon [Mr. McNARY], the Senator from New Hampshire [Mr. KEYES], and the Senator from Louisiana [Mr. RANDELL] are necessarily absent at a meeting of a subcommittee of the Committee on Agriculture and Forestry.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH of South Carolina] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. GERRY. The Senator from Alabama [Mr. BANKHEAD], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Tennessee [Mr. SHIELDS], and the Senator from Arizona [Mr. ASHURST] are detained from the Senate on official business. The Senator from Oklahoma [Mr. GORE], the Senator from Kentucky [Mr. STANLEY], and the Senator from Georgia [Mr. SMITH] are absent on public business.

The VICE PRESIDENT. Seventy Senators have answered to the roll call. There is a quorum present.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present resolutions of the First Baptist Church of Webster, Mass., in regard to the league of nations. The resolutions are very brief, and I ask that they may be printed in the RECORD without reading.

There being no objection, the resolutions were ordered to be printed.

THE FIRST BAPTIST CHURCH,
Webster, Mass., September 29, 1919.

Hon. HENRY CABOT LODGE:

The congregation of the First Baptist Church, in meeting assembled September 28, 1919, adopted the following resolution:

"We are profoundly interested in the covenant of the league of nations now pending before the United States Senate.

"We are unalterably opposed to any covenant which gives another high contracting nation in its assembly six votes to our Nation's one.

"We do not favor the surrender of our national sovereignty in any particular to any league of nations.

"We believe that the Monroe doctrine should have a place in any league of nations formed commensurate with its vital importance in the security and development of the Western World, and that its application should be left entirely in the hands of the United States Government.

"We are firmly opposed to any league of nations which would make the United States a party to the oppression of China by Japan."

RICHARD B. ESTEN,
For Congregation.

Mr. TRAMMELL. At the request of the Senator from South Dakota [Mr. JOHNSON], who is absent from the Senate on account of illness in his family, I send to the desk certain resolutions adopted at the annual convention of the Lincoln County Sunday School Association in his State in favor of the league of nations, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

PIONEER M. E. CHURCH,
Beresford, S. Dak., September 29, 1919.

Hon. E. S. JOHNSON,
United States Senate, Washington, D. C.

DEAR SENATOR JOHNSON: The following resolutions were unanimously adopted at the afternoon session of the annual convention of the Lincoln County Sunday School Association held at Pioneer Church, of Lincoln County, S. Dak., Sunday, September 28, 1919:

"Be it resolved by those in attendance at the county Sunday School convention of Lincoln County, now assembled at the Pioneer Church, Beresford, S. Dak., That we place ourselves on record as unqualifiedly in favor of the league of nations; not in the sense that we believe the constitution now before the United States Senate is perfect, but that we are convinced the world needs a league of nations to extend world brotherhood, to prevent the horrors of war, and to reduce the awful burdens placed on the people in preparation for war; and for that purpose we believe the constitution now discussed in the United States Senate is a long step in the right direction. And we are opposed to any reservations or amendments of whatever character which would require the re adoption of the covenant by the nations which have already accepted it; or which might make it necessary that it be returned to a peace conference for reconsideration, and thus delay peace and prolong the present unsettled conditions of the world.

"It is further resolved, That we urge Senator STERLING and Senator JOHNSON of South Dakota to use all their influence to effect an early ratification of the treaty of peace and the adoption of the league of nations.

"Be it further resolved, That the secretary of the Lincoln County Sunday School Association be instructed to forward a copy of these resolutions to Senator STERLING and Senator JOHNSON, and to have them published in all of the county papers, and in the Sioux Falls Press and Argus-Leader."

Yours, very truly,

W. M. REDFIELD,
Acting Secretary.

Resolutions adopted unanimously at a union meeting of the Presbyterian and Methodist churches, September 28, 1919, at St. Laurence, S. Dak.

Resolved, That we, the congregations of the Presbyterian and Methodist churches in union meeting assembled, declare it to be our firm conviction that the treaty of peace and league of nations now under discussion in the Senate of the United States be adopted as speedily as is consistent with the importance of the document that is before them.

If it should be thought best to amend some of the articles of the league of nations these should not be of such a nature as to necessitate the rejection of the document but should simply be explanations of our understanding of them.

We are confident that any new treaty and league of nations devised would meet with as much criticism and opposition as the present one. We therefore urge upon our Senators that they take speedy action to ratify and that a copy of these resolutions be sent to the Senators of South Dakota and to Senator HENRY CABOT LODGE, who is chairman of the Senate committee dealing with the subject.

COMMITTEE ON RESOLUTIONS,
W. ALUN ROBERTS,
Pastor Presbyterian Church.
HUGH HAY,
Pastor Methodist Episcopal Church.

Mr. CAPPER presented a memorial of sundry citizens of Jewell County, Kans., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

Mr. PHELAN presented a memorial of the California Bean Growers' Association remonstrating against the free importation of beans into the United States and praying that the Government purchase a large quantity of beans for distribution, which was referred to the Committee on Agriculture and Forestry.

Mr. SIMMONS presented resolutions adopted by the Old Hickory (Thirtieth Division) Association, American Expeditionary Forces, at their meeting in Greenville, S. C., September 30, 1919, favoring the adoption of the treaty with Germany, including the league of nations covenant, without amendment or reservation, which were ordered to lie on the table.

Mr. SMITH of Maryland presented petitions of sundry citizens of Baltimore, Md., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 3125) authorizing the Secretary of War to transfer certain surplus machine tools and other equipment to the Federal Board for Vocational Education, reported it with an amendment and submitted a report (No. 241) thereon.

He also, from the same committee, to which was referred the bill (S. 3126) authorizing the detail of commissioned officers of the Army to take courses of instruction within two years from date of commission, reported it without amendment and submitted a report (No. 242) thereon.

Mr. NEW, from the Committee on Military Affairs, to which was referred the bill (S. 2646) for the relief of Mary E. Bingham, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WATSON, from the Committee on Finance, to which was referred the bill (S. 413) for the relief of Canadian Car & Foundry Co. (Ltd.), reported it without amendment and submitted a report (No. 240) thereon.

SETTLERS ON FORT ASSINNIBOINE LANDS, MONTANA.

Mr. MYERS. Mr. President, I have a report to submit from the Committee on Public Lands, and I wish to say a few words about it.

A few weeks ago the Senate took up for immediate consideration by unanimous consent and passed a bill introduced by my colleague [Mr. WALSH of Montana] granting an extension of time, in the discretion of the Secretary of the Interior, for as much as two years, in which the homesteaders on the Fort Peck Reservation, in Montana, might pay for their lands. The bill was introduced because that section had suffered a terrific drought for three years and the homesteaders were unable to make their payments. Therefore when the bill was explained it was unanimously passed.

I report back from the Committee on Public Lands favorably without amendment the bill (S. 2964) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Assiniboine Military Reservation, in Montana, and I submit a report (No. 239) thereon. The bill gives a similar extension of time to settlers on the former Fort Assiniboine Military Reservation, in Montana, where the same conditions prevailed. The reservation was opened three years ago to sale to homesteaders at \$2.50 an acre, but ever since then there has been a severe drought in that section and the settlers have not raised anything of consequence. There are payments now past due.

I ask that the bill may be read for the information of the Senate, and then I shall ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That any person who has made homestead entry under the provisions of the act of Congress approved February 11, 1915 (38 Stat. L., p. 807), entitled "An act authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assiniboine Military Reservation and open the same to settlement," may obtain an extension of time for one year from the anniversary of the date of entry last preceding the passage of this act within which to pay all of the installment then due or any part of any preceding installment, where payment has not yet been made and where an extension of time therefor is not authorized by any act of Congress by paying interest at the rate of 5 per cent per annum on the sums to be extended from the maturity of the unpaid installments to the expiration of the period of extension, the interest to be paid to the receiver of the land office for the district in which the lands are situated, within such time as may be prescribed for that purpose by the Secretary of the Interior: *Provided*, That any installment which becomes due within one year from the passage of this act and for which an extension of time for payment is not otherwise authorized, may also be extended for a period of one year by paying interest thereon in advance at the said rate: *Provided further*, That any payment so extended may thereafter be extended for a further period of one year in like manner: *And provided further*, That if commutation proof is submitted, all the unpaid payments must be made at that time.

SEC. 2. That the failure of any entryman to make any payment that may be due, unless the same be extended, or to make any payment extended either under the provisions hereof or other act of Congress, at or before the time to which such payment has been extended, shall forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. CHAMBERLAIN:

A bill (S. 3151) to authorize the Secretary of War to grant the use of land and camp equipment to the United States Training Corps for Women and to detail Army officers for service at recreational camps; and

A bill (S. 3152) for the relief of George W. Mellinger; to the Committee on Military Affairs.

A bill (S. 3153) authorizing the adjustment of the boundaries of the Deschutes National Forest, in the State of Oregon, and for other purposes; to the Committee on Public Lands.

By Mr. ELKINS:

A bill (S. 3154) for the relief of Lottie Adeline Cross; to the Committee on Claims.

A bill (S. 3155) granting an increase of pension to John W. Combs; and

A bill (S. 3156) granting an increase of pension to William M. Cheuvront; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 3157) granting an increase of pension to Byron A. Hart (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3158) for the relief of contractors and subcontractors for docks, tanks, buildings, and work under the supervision of the Navy Department, and for other purposes; to the Committee on Naval Affairs.

By Mr. FLETCHER:

A bill (S. 3159) granting the consent of Congress to the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 3160) for the relief of Fred Hartel and others; and A bill (S. 3161) for the relief of T. T. Murphy; to the Committee on Claims.

A bill (S. 3162) to encourage instruction in the hygiene of maternity and infancy, to aid in extending proper care for maternity and infancy, and to provide for cooperation with the States in the promotion of such instruction and care; to the Committee on Public Health and National Quarantine.

By Mr. PAGE:

A joint resolution (S. J. Res. 112) continuing temporarily certain allowances to officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

ADDRESS BY SENATOR OWEN.

Mr. KENDRICK. I have here a copy of an address delivered by the Senator from Oklahoma [Mr. OWEN] before the American Bankers' Association. The Senator from Oklahoma is a well-recognized authority on the question therein discussed, and I ask that the address may be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

ADDRESS BEFORE AMERICAN BANKERS' ASSOCIATION BY SENATOR ROBERT L. OWEN ON THE SUBJECT OF STABILITY IN COMMERCE AND GOVERNMENT, SEPTEMBER 30, 1919.

"Mr. Chairman and gentlemen of the American Bankers' Association, stability in industry and commerce and in government is vital to the happiness of mankind.

"To-day we witness some of the evils of instability in production, distribution, and the purchasing power of the dollar, the effects of which appear in the high cost of living, under which the world groans, bitterly complains, and threatens the stability of government throughout the world. When the normal income does not suffice to give food, clothing, and shelter, and the necessities of life and reasonable liberty, men first grow impatient, then indignant, and this indignation may rise by degrees to insensate fury, the destruction of government, of life, and property, and of those productive processes vital to remedy the very evil complained of.

"The Government of the United States is controlled by public opinion in large degree, and the members of your association, touching every business enterprise throughout the United States and every depositor and agency of production and distribution, are capable of directing public opinion along safe lines that will establish stability instead of instability.

"In February, 1908, in discussing the principles which should control the banking system and prevent financial panic, I emphasized then, as I do now, the extreme importance of stability. One of the great causes of instability of the past were periodic panics in the financial world. This evil has been remedied by the combined wisdom of the country, by the Federal reserve act, which I had the honor to engineer through the United States Senate, with the aid of many men. I wish to point out to you certain elements which have contributed to the present high cost of living, a condition of very grave instability and menace, with some suggestions which I trust may prove useful if they meet with the approval of the country and your active support.

"The chief factors entering into the high cost of living are: 1, gold expansion in America; 2, Federal reserve note expansion; 3, credit expansion, United States Government bonds, certificates of indebtedness, Treasury notes, deposits, and loans; 4, extraordinary prices paid for material and labor by munition makers, by the Army, by the Shipping Board, and other governmental agencies, under the urgency of war; 5, the dislocation of peace industry during the war and diminishing production in such in-

dustries; 6, destruction of shipping by the submarines and greatly impaired transportation facilities and equipment; 7, extraordinary European demands and cessation of peaceful production; 8, unrest of labor because of the high cost of living, strikes, unproductiveness because of discontent; 9, hesitation of capital because of unstable conditions; 10, interruption of exports because of inadequate support of European exchange and lack of credits to finance European construction; 11, excess-profits tax and heavy war taxes passed by manufacturers and merchants and business men directly on to the products of commerce to the consumer, raising the prices of all products, compelling labor to demand larger wages in order to live, and establishing a vicious circle affecting the great railway properties and all industrials and all merchandise; 12, the exaction of monopolies, restricting production, and restraining trade and fixing unfair profits. These monopolies existed before the war, and have grown worse during the war because of the other factors heretofore recited; 13, and finally local profiteering, under which first necessity and then greed has influenced very many middlemen to take advantage of unstable conditions to charge extortionate prices; 14, violent rising prices have led to enormous waste, extravagance, and recklessness of expenditure by those who have profited, setting a false standard and an impossible standard for those who have not profited but have suffered by these conditions.

"The effect of all these things has caused a feeling of violent unrest with some of those who have suffered, and a false leadership has arisen, advising the overthrow of the existing order, because those charged with the duty of government do not afford adequate relief and offer no satisfactory solution.

"I wish to offer you some suggestions that will tend to give stability, in the hope that some of the suggestions may be found of use and put into actual practice. Words without action are empty and vain.

SEND GOLD ABROAD.

"In exchange for our commodity excess shipments we have gained eleven hundred million dollars of gold. This has expanded our currency and diminished its purchasing power and caused a rise in prices. The metallic gold is lying in our vaults serving no adequate purpose, while European currency, violently inflated, needs deflation and additional gold reserves. We could profitably lend a thousand million dollars of gold to other nations without deflating American currency, because under the Federal reserve act commodity bills based on warehouse receipts and goods in transit can take the place of gold which we hold in excess and which will flow back to our country unavoidably unless we permit the people of Europe to repay us in commodities the ten billions we have loaned them, and on which we will receive over five hundred millions annually in interest. We need have no fear in loaning money to Europe on proper security. Neither Europe nor the world is bankrupt because of the World War. The world has only suffered to the extent of the net destruction of property. The energies of the war have created a very large offset to the destruction of property. The war debts are held as offset credits by citizens of the world, and these war debts must not be regarded as a destruction of the productive powers of mankind. If the United States issued twenty-five billions of bonds, and these bonds are held by citizens of the United States, it is merely a question of distribution, and the values of the United States and its productive power is not diminished; on the contrary, it has been greatly increased by the war. The same is true of France and of Italy and of Belgium.

MAINTAIN FIXED PER CAPITA CIRCULATION.

"The Federal Reserve Board by exercising its powers could stabilize the per capita circulation of the United States at a fixed amount per capita, and this policy ought to be adopted as a means of preventing instability due to a fluctuation in the amount of currency.

"The per capita circulation of money in the United States in 1890 was \$22.82; in 1900, \$26.93; in 1910, \$34.33, due to the inflation of the national bank currency against the 2 per cent bonds offered as a remedy in 1900 to confound the free-silver advocates. In 1914 it was \$34.35 per capita. In 1918 it was \$50.81, due to an expansion of \$11 gold per capita and about \$5 of Federal reserve notes issued to accommodate the actual daily demands of commerce. The high cost of living and the doubling of prices required more currency, and the reserve notes accommodated this demand, but being subject to daily liquidation could not be justly regarded as inflation.

"In fact, the Federal Reserve Board points out that the actual per capita circulation outside the United States Treasury and the Federal Reserve System is only \$45.56, which corresponds with the circulation of 1914 plus \$11 of gold per capita increase.

It is of great importance that the per capita circulation should be kept stable. The ruinous effects of inflation are shown in Europe.

EFFECT OF CREDIT EXPANSION ON PRICES.

"Credit expansion and the issuance of Government bonds and certificates was unavoidable during the war, and was required by the tremendous energies created by war. But these credits, while less mobile than currency, are nevertheless transferable and are a means by which currency is more readily accessible, and it has the effect of modifying to some extent the purchasing power of money. The conditions would be more stable if these bonds were issued payable in 50 years with the right of the Government from time to time to take them up, as interest rates will fall when stability is established throughout the world.

"Bank deposits and loans were greatly stimulated by the war because commodities of all kinds were salable at high prices and converted into current credits, and the extraordinary activities of the war resulted in corresponding loans, all of which contributed to making money more readily accessible, and therefore of less purchasing power in relation to commodities and in relation to human labor. These factors should slowly adjust themselves as cost factors by increase of production and improved distributive processes.

PRODUCTION AND DISTRIBUTION.

"Now that the urgency of war has passed, prices should adjust themselves to the processes of reconstruction. Industry can now adjust itself to the conditions of peace and should steadily increase production and improve distribution. The world is rapidly replacing the ships destroyed by war. The millions of European men and women heretofore engaged in war and war activities are now available for peace.

"Increased production and better and more economical distribution and waste avoidance are the chief remedies for the high cost of living, and to accomplish this the banks of the United States should encourage production by extending credits preferentially for productive processes, for improved warehousing, lending against warehouse receipts, and using their good offices and friendly counsel to stimulate production and improved distribution. The encouragement of corn clubs and other agricultural clubs, encouraging boys and girls to make money out of raising pigs, chickens, and so forth; improving gardens, while apparently small matters are of great national consequence, and the country bankers have done fine work along these lines. Developing water power and the use of the current for industrial purposes are productive processes of the highest order. The building of hard-surfaced roads and the use of motor trucks facilitate distribution. There should be organized standard systems of distribution by improved marketing methods under Government charter and supervision.

LABOR, MANAGEMENT, AND CAPITAL.

"Labor is both manual and mental, and is entitled to full consideration.

"The unrest of labor, due to the war condition, to the extraordinary prices during war times, the reports of extraordinary profits during the war by the employers of labor, and the high cost of living should be met by encouraging a frank and free discussion and arranging methods by which labor will participate in what it produces above a bare wage. The employee should not be regarded merely as a money-making machine, but altogether as a human being entitled of right to life, liberty, happiness, and a reasonable participation in the profits arising from his labor. This policy is advisable for the sake both of the employer and the employee. When the workman feels that he is working both for himself and his employer he will not indulge in sabotage, the killing of time, or in waste and neglect. Labor, management, and capital must work together on the principle of service to all mankind, along lines of cooperation in a spirit of friendship, mutual sympathy, and support. It will not do in a democracy to rely merely on the powers of government and to demand brute force to control human unrest. That remedy may become a two-edged sword peculiarly dangerous to capital.

"The doctrine of arbitrary force should not be seriously entertained by thinking men after the lessons of this war. The world is entering into a new era in which humanity and righteousness should walk hand in hand in peace, protected by the powers of the people.

"Humane legislation to safeguard and advance the conditions of human labor should be encouraged in Congress, in State legislation, in municipalities. If labor should be found seeking employment for any reason the Government should not hesitate to expand its activities in road building, improving water-

ways, building water-power plants and auxiliary enterprises, and employ labor to the extent of absorbing unemployed labor, and protect labor from the forced and destructive competition arising from involuntary unemployment.

"Every productive activity in America should be kept employed, and concrete steps taken to accomplish it. This is the most direct path to overcome the high cost of living.

"There should be put on a campaign in the United States by moving pictures and on the forum, in the press, and in the pulpit to teach men the dignity and need for honest labor and production and the shame of waste, the dishonor of willful extravagance, and the discredit of the vain ostentation of wealth, so that people will come back to the virtues of our fathers and our mothers who regarded labor as honorable and waste as a sin. The enormous disproportion of wealth distribution in America has led to false standards of extravagance and ostentation, going far beyond the reasonable bounds of mere luxury.

"Men who create the values sufficient to sustain it are entitled to luxury, if they choose to have it, and it is a wise policy for the world to encourage acquisition and hold out the rewards of property and the protection of property for those who serve the world by creating values. When acquisition passes far beyond the rewards that encourage effort, it may become a vice and need to be abated by suitable restraints.

EXCESS-PROFIT TAX.

"The excess-profit tax and some other governmental taxes add directly to the high cost of living, because the manufacturer adds his excess-profit tax onto the price of his product plus a manufacturer's profit on the excess tax. The broker passes it along and adds his profit on the excess tax. The wholesaler adds his profit on the excess tax, and the retailer adds his profit on the excess tax, and the poor consumer wonders what is the matter with the world that prices have risen a hundred and twenty-nine per cent since the war began. It is merely a matter of "let George do it," and "George," in the person of the Railway Brotherhood, comes in and demands the right to pass it on to the railroads, and the railroads pass it on to the freight rate and the passenger rate and let another "George"—the people—pay it. It is a vicious circle which can only be cured by human labor, conscientiously performed, by production, by economic distribution, by economy, but since the excess-profits tax is charged on the consumer, it should be repealed, and the war taxes instead of being collected to liquidate the principal of the war debt in a few years should be extended over 50 years. Every governmental waste and extravagance and employment of unproductive labor falls on the consumer and adds to his high cost of living. Therefore, the Government should be economically administered, a fixed amount set apart in a budget beyond which the expenditures should not be permitted to go. A householder who turns his checkbook over to his children need not be surprised if his expenditures exceed his income where there is no check on improvidence. The Government's expenditures should be subjected to a constant supervisory audit, expressly charged with the elimination of waste.

"In lieu of the excess-profits tax a progressive inheritance tax should be employed, first, to meet the cost of Government, and, second, to prevent by inheritance excessive commercial and financial power passing into the hands of a single individual to the injury of his fellow men.

PRIVATE MONOPOLIES.

"One of the most important elements entering into the high cost of living are the private monopolies which have established control over various industries dealing with the necessities of life. The danger to the public of unrestrained private monopolies has long been recognized, and decades ago an act of Congress was passed to prevent market domination and arbitrary prices by the Sherman antitrust law. The effect of this act was nullified by administrative neglect and failure of public opinion in part. It was never really enforced, and finally the Supreme Court nullified it by holding that Congress only intended to forbid restraints of trade which were "unreasonable." Since there was no standard of what constituted a "reasonable" restraint of trade, this law is now but little more than a smoke screen behind which private monopolies may exercise their powers without restraint of law. It should be frankly repealed and better laws substituted.

"Bankers are not permitted to charge over 6 per cent under the law, some States permitting by contract a higher rate. The banker renders the highest character of service, and yet, with the approval of all of the world, he is limited in his profits. I remind you gentlemen of the banking profession that the value of your private fortunes has been cut in two by the high cost of living, and that if you were worth a hundred thousand dollars before the war that hundred thousand dollars is only worth

to-day what fifty thousand was then, so that you are as much concerned in improving the purchasing power of your dollar as any other citizen. Even if you have a private monopoly, it would be better for you that the dollars you receive in future should have an increased purchasing power, and it is to your interest to favor stability and commercial justice.

"Many of the monopolies prevent production, and by making the things desired by men somewhat scarce they get a higher price for it and a larger percentage of profit. They would rather make a hundred per cent on a fixed output than 25 per cent on four times that output. They control the trade and therefore competitors do not enter the field, and, I might add, dare not. This policy of diminished production and high percentage of profit is one of the most harmful forms of monopoly abuse. The southern cotton growers were urged to cut down the production of cotton because 11,000,000 bales are worth more than 15,000,000 bales in a cotton crop. There is no danger whatever of the farmers profiting by monopoly. They are too numerous, and adequate cooperation, therefore, is impossible to prevent the working of the broad law of competition.

"If the high cost of living is to be controlled, the monopolies and interstate commodities will need to be restrained by suitable administrative mechanism authorized to require standard reports and the limitation of profits to a point that is 'reasonable.'

"It will be far better for American monopolies to expand production and limit percentage of profit and lower the cost of living and increase the purchasing power of their own earnings and capital. Four times the production at 25 per cent profit is better than one production at 100 per cent profit. We must compete in the world markets, and lower cost is essential to do this. If the prices are not lowered, foreign countries will take foreign commerce and invade American markets and be welcomed by American consumers. American business men should have some vision and foresight.

"Under the high cost of living labor has become more and more discontented. Unions are being organized to include every governmental agency, even the fire department, the police, and the municipal, State, and Federal employees, and they make demands upon the representatives of the people which are not always consistent with the public interest, or the interest of the great majority of the people. The average farmer does not begin to receive as much as a worker in the steel mills or on the railroads. The railway workers would like the farmer to receive less for his products, if necessary, to reduce the cost of his living. The interest of one class conflicts with another. But when groups representing special interests combine to coerce the Government it should be possible for the Representative to defend himself before the electorate, and his critics should have the right to show his alleged unfitness with a 'publicity pamphlet,' printed and distributed, at public expense, to every voter. "All democracies are about to be compelled to take their choice between the rule of the majority and the rule of the minority. The rule of the minority in Germany led to war. In Russia it has led to chaos. In the one case it was the rule of a minority representing the apotheosis of wealth and dynastic pride. In Russia now it represents the exact reverse. In both cases it represents a gigantic example of dangerous instability of government.

"The middle course of honest majority rule carries out the fundamental conception of our fathers in establishing government in America where the sovereignty was vested in the people and not vested in the few, whether dynastic military leaders, whether a few great financial and commercial captains, or the desperate Bolsheviks.

"The overwhelming majority of men and women in America believe in God, in morality, in religion, in ethical conduct, in conscience, in justice, in mercy.

"The overwhelming majority desire to acquire and protect property rights, and are willing to labor for it, and will support property rights. Stability in government requires the development, the perfection, the maintenance of the government of the majority, giving the people the right to initiate any law they want, to veto any law they do not want by referendum. The 'right of recall,' to recall any official who in public opinion has ceased to be desirable as a representative of the people. The laws should provide a short ballot, so that the people can function in choosing a small number whose records they may have time to study, and so that the people are not confused by the machine politician who would put up a long list of candidates for the very purpose of confusing the people and compelling them to rely on the machine men to nominate 'the ticket.'

"The laws should provide the preferential ballot, which automatically coheres the majority and automatically defeats the

machine politicians who are always in a minority, except when by actual intent or by accident they do right.

"The law should provide a thorough-going corrupt-practices prevention act to safeguard the majority against the corruption and fraud of the minority. These processes will give stability in government and in commercial and financial life. They will give intelligence to government, calling the very best men to the public service; will accomplish through the wisdom of the people the development and protection of human life; will abate the high cost of living and make America what it ought to be, the leader in the highest ideals of government, of industry, of finance, and of human happiness."

LEAGUE OF NATIONS.

Mr. TOWNSEND. I present and desire to have printed in the RECORD an editorial from the Grand Rapids (Mich.) Herald relative to that portion of the treaty which has reference to the voting power of nations.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHEN INDIA VOTES.

One of Great Britain's six votes in the pending league of nations is assigned to India. To thus qualify for independent league membership India must be a "fully self-governing colony," under the language of the league covenant itself. By what stretch of the imagination can any candid analyst assign India to any such status? True there is a certain freedom in administrative matters allowed to native chiefs. But "the supreme government can exercise any degree of control it may wish," says the Statesman's Yearbook. This supreme government is exclusively and omnipotently British. The secretary of state for India, a Briton, selects a council, of Britons. The expenditure of the revenues of India, both in India and elsewhere, is subject to this council. "In dealing with questions affecting the relations of the Government with foreign powers," says the Statesman's Yearbook, "and in making peace and war and in prescribing the policy of the Government toward native States and in matters of internal policy, the secretary of state may act on his own authority." The Emperor of India is the King of England. The supreme executive authority in India is vested in a British viceroy, appointed by the British Crown. That India is not fully self-governing, either as required by the league covenant in order to justify independent league membership, or even as in other British dominions like Canada, etc., is apparent on the face of things. The great Indian poet, Sir Rabindranath Tagore, has just handed back the knighthood bestowed upon him by the British Government as a protest, according to the Literary Digest, "against British floggings of Hindu rioters." Such things do not happen in "fully self-governing colonies." In other words, the pretense upon which India is given an independent league vote is ridiculous upon its face.

We are not making this point because we have the slightest desire for American interference in England's method of governing India. That is her business, not ours. Neither are we making it because we would fan flames of anti-British prejudice—a thing inimical to the peace of the world, because the world has no greater guaranty of peace than in Anglo-American amity. We are making the point because of its potent bearing upon the structure of the proposed league of nations and our prospective relationship to this new international fraternity.

There may prove to be some elements of independent self-decision in league votes which may be cast by other British dominions like Canada, etc.; but a league vote for India is absolutely and completely a second league vote for England—absolutely and exclusively under British control. When other British colonies signed the preliminary covenant they signed through native statesmen. When India signed she signed through "The Right Honorable Edwin Montagu, member of the British Parliament, and the King's secretary of state for India." Montagu spoke and acted for India. The Maharajah of Bikaner, who signed below Montagu, was only a rubber-stamp, because these native princes are specifically barred from peace-making authority. The Maharajah had no more chance to think or act for himself than did our own venerable Henry White and our own accommodating Robert Lansing and Gen. Bliss. England signed for India, and by the same token England will vote for India whenever a league referendum is to be taken.

So far as "fully self-governing" prerogatives are concerned, India would be even less free to think and speak for herself than would the Philippine Islands if they, too, had a league vote. She would not begin to be as free a moral agent as would the State of Michigan if Michigan had a league vote.

It is too late to correct this glaring discrepancy without reopening the whole Versailles negotiations. But it is not too late to render the discrepancy innocuous. Humiliating to us though such a discrepancy is, the Herald is not afraid of its practical menace in practical net results provided the Senate of the United States, by effective American reservations, prohibits illegitimate league interference in matters of vital American self-determination and vital American domestic policies, and proscribes the use of this British preponderance against the United States in American concerns which must be left exclusively within American jurisdiction. But the more study the country gives to this whole undertaking the more determined will become the conviction that these effective American reservations must precede our ratification of this unequal bargain.

Nor need any of us seriously fear that Britain is going to object to these American reservations—and that by adopting reservations we shall disrupt the whole adventure—when we see to what extremes the Paris council went in protecting Britain's every whim and wish and aspiration. The last limit of these "extremes" is the acknowledgment that India is a "fully self-governing colony" and that India is therefore entitled to one full vote (equaling ours in assembly arithmetic) and is eligible even to a place upon the league's council of nine. If we shut our eyes to this anomaly and take the covenant without textual amendments, Britain (satisfied and chuckling) will not object to American reservations, which merely protect the things which are American. And if, perchance, she should, it is her responsibility and not ours for disrupting this league undertaking. The United States, at least, is still "fully self-governing"; and we do not yet owe any obligation to any sovereignty other than our own.

PROMOTION OF FOREIGN COMMERCE.

The VICE PRESIDENT. The morning business is closed.

Mr. HARRIS. Mr. President, on yesterday Senate resolution No. 203, heretofore submitted by me, went over without prejudice. I ask that it be taken up at this time for consideration by the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution (S. Res. 203), as follows:

Whereas the Department of Commerce and certain other governmental agencies in various departments and independent establishments, including the Consular Service and office of the Foreign Trade Adviser of the State Department, the War Finance Corporation, the Federal Reserve Board, and International High Commission in the Treasury Department, the Bureau of Markets of the Department of Agriculture, the Federal Trade Commission, the Interstate Commerce Commission, the United States Railroad Administration, the United States Shipping Board, and, perhaps, other agencies in other departments or establishments of the Government are, in the exercise of their lawful functions, engaged with matters having to do, either directly or indirectly, with the foreign commerce of the United States, but oftentimes work independently of each other, and each without a knowledge of what any of the others may be doing in this direction; and

Whereas, in order to foster, promote, and develop the foreign commerce of the United States in the most effective manner, so as to meet successfully the competition of foreign agencies, it is essential that there should be no unnecessary work or duplication of work on the part of the aforesaid agencies of the Government and that coordination and cooperation so essential to the successful promotion of the foreign commerce of the United States; and

Whereas it is desired by the Senate to consider the expediency of enacting legislation to provide for such coordination and cooperation of agencies: Therefore be it

Resolved, That the heads of the several departments and establishments hereinbefore referred to be, and they hereby are, requested to submit to the Senate as promptly as possible detailed statements covering the character, amount, and estimated cost to the Government of such work as is now being carried on under their respective jurisdictions which, directly or indirectly, has any relation to the foreign commerce of the United States or which may in any way be of value in connection with the promotion and development of such foreign commerce, which statements should also indicate the number of employees engaged on such work, and also to submit with such statements such suggestions and recommendations as they may be able to make looking to the closer cooperation and coordination of the various agencies of the Government for effective promotion of the foreign commerce of the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

CONTROL OF FOOD PRODUCTS—CONFERENCE REPORT.

Mr. GRONNA. Mr. President, I move that the Senate proceed to the consideration of the conference report on House bill 8624, which is known as the food-control bill.

The VICE PRESIDENT. The Senator from North Dakota moves that the Senate proceed to the consideration of the conference report on House bill 8624.

The motion was agreed to; and the Senate proceeded to the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917."

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. SMOOT. I should like to have the report read. I have not had time to go over it.

The VICE PRESIDENT. The Secretary will read the report. The Secretary proceeded to read the report, and read as follows:

"The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled 'An act to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917,' having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

"That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, and 10, and agree to the same.

"Amendment numbered 1. That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert

the following: 'section 1'; and on page 1, after line 2, of the engrossed bill insert the following:

"That this act may be cited as 'the food control and the District of Columbia rents act.'"

"TITLE I. FOOD-CONTROL ACT AND AMENDMENTS."

"And the Senate agree to the same.

"Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"TITLE II. DISTRICT OF COLUMBIA RENTS."

"SEC. 101. When used in this title, unless the context indicates otherwise—

"The term 'rental property' means any land or building or part thereof in the District of Columbia rented or hired and the service agreed or required by law or by determination of the commission to be furnished in connection therewith; but does not include an hotel or apartment.

"The term 'person' includes an individual, partnership, association, or corporation.

"The term 'hotel' or 'apartment' means any hotel or apartment or part thereof, in the District of Columbia, rented or hired and the land and outbuildings appurtenant thereto, and the service agreed or required by law or by determination of the commission to be furnished in connection therewith.

"The term 'owner' includes a lessor or sublessor, or other person entitled to receive rent or charges for the use or occupancy of any rental property, hotel or apartment, or any interest therein, or his agent.

"The term 'tenant' includes a subtenant, lessee, sublessee or other person, not the owner, entitled to the use or occupancy of any rental property, hotel or apartment.

"The term 'service' includes the furnishing of light, heat, water, telephone or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, bath and laundry facilities and privileges, maid service, janitor service, removal of refuse, making all repairs suited to the type of building or necessitated by ordinary wear and tear, and any other privilege or service connected with the use or occupancy of any rental property, apartment or hotel.

"The term 'commission' means the rent commission of the District of Columbia.

"SEC. 102. A commission is hereby created and established, to be known as the rent commission of the District of Columbia, which shall be composed of three commissioners, none of whom shall be directly or indirectly engaged in, or in any manner interested in or connected with, the real estate or renting business in the District of Columbia. The commissioners shall be appointed by the President by and with the advice and consent of the Senate. The term of each commissioner shall be three years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. The commission shall at the time of its organization and annually thereafter elect a chairman from its own membership. The commission may make such regulations as may be necessary to carry this title into effect.

"All powers and duties of the commission may be exercised by a majority of its members. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission. The commission shall have an official seal, which shall be judicially noticed."

Mr. SMOOT. Mr. President, in relation to the changes in section 102, I desire to ask the chairman of the committee of what they really consist? I have not had time to compare the conference report with the bill as passed, but from a hurried examination of the report it seems to me that the only difference is that under the conference report the proposed commission is to be appointed by the President from anywhere in the United States instead of from the District of Columbia exclusively.

Mr. GRONNA. I will say to the Senator that that is correct. One other change is made, namely, instead of making the term of office of the commissioners two years and providing that the law shall continue in effect for four years, it provides that the term of office shall be three years and that the law shall remain in force for only three years. The Senator, however, is correct in his understanding of section 102, so far as it relates to the changes made.

Mr. SMOOT. In other words, the life of the act is decreased from four years to three years and the appointment of commissioners outside of the District of Columbia is allowed?

Mr. GRONNA. Yes; that is correct.

The Secretary resumed the reading of the conference report, and read as follows:

"SEC. 103. Each commissioner shall receive a salary of \$5,000 a year, payable monthly. The commission shall appoint a secretary, who shall receive a salary of \$3,000 a year, payable in like manner; and, subject to the provisions of the civil-service laws, it may appoint and remove such officers, employees, and agents and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses as may be necessary to the administration of this title. All of the expenditures of the commission shall, upon the presentation of itemized vouchers therefor approved by the chairman of the commission, be audited and paid in the same manner as other expenditures for the District of Columbia.

"With the exception of the secretary, all employees of the commission shall be appointed from lists of eligibles supplied by the Civil Service Commission and in accordance with the civil-service law.

"SEC. 104. The assessor of the District of Columbia shall serve ex officio as an advisory assistant to the commission, but he shall have none of the powers or duties of a commissioner. He shall attend the meetings and hearings of the commission. Every officer or employee of the United States or of the District of Columbia, whenever requested by the commission, shall supply to the commission any data or information pertaining to the administration of this title which may be contained in the records of his office. The assessor shall receive for the performance of the duties required by this section a salary of \$1,000 per annum, payable monthly, in addition to such other salary as may be prescribed for his office by law."

Mr. SMOOT. Mr. President, in relation to the latter part of section 104, did the original bill grant to the assessor an additional salary of \$1,000 per annum?

Mr. GRONNA. No; it granted him \$2,000 in addition to the salary received by him for his services as assessor. The conferees reduced that to \$1,000; they cut it in two.

Mr. SMOOT. Does the Senator know what the assessor is receiving now under the law?

Mr. GRONNA. The assessor now receives \$3,500. This would give him \$4,500.

Mr. SMOOT. I think that \$3,500 is sufficient; but I am not going to object on that account.

Mr. ROBINSON. Mr. President, I should like to ask a question of the Senator in charge of the conference report. I note that there is a requirement in this provision that the assessor shall attend "the meetings and hearings of the commission." I wonder if consideration was given in connection with this provision to the existing duties of the assessor and whether, if this provision be strictly enforced and observed, it will not very materially interfere with the discharge of his duties as assessor. My idea is that if this commission performs the functions for which it is created it will be in session practically all the time, and if the assessor is required to be in attendance on all meetings and hearings of the commission he will be totally unable to perform the duties of the office of assessor.

Mr. GRONNA. Mr. President, I will say to the Senator, in reply to his question, that the conferees made an inquiry into the condition which the Senator has suggested, and the information received by the conferees was to the effect that it would be possible for the assessor to give sufficient time to meet with the commission at any time that it was absolutely necessary to have him present; and when I say—

Mr. ROBINSON. Will the Senator yield right there?

Mr. GRONNA. Yes.

Mr. ROBINSON. I am not making an objection to the provision for the purpose of resisting the conference report; but I think that the clause preceding the one which I have last mentioned—namely, that "the assessor of the District shall serve ex officio as an advisory assistant to the commission"—would meet all the requirements, and that the statement just made by the Senator that it is expected that he will be able to attend whenever it is absolutely necessary shows that this provision can not be strictly enforced or observed. This provision requires him to attend all the meetings and all the hearings of the commission, and nobody expects him to do that.

Mr. SMOOT. It is mandatory.

Mr. ROBINSON. It is a mandatory provision, although I have not discovered that any penalty is attached. It seems to me that it would have been much better to have said, "Whenever in the opinion of the commission it is necessary or desirable that the assessor do so," rather than make it mandatory upon him to be present all the while.

Mr. GRONNA. I will say to the Senator that that question was gone into very thoroughly, as the same suggestion that the Senator is now making was made to the conferees, but it was

thought by the lawyers on the committee—and I will say that as to lawyers and laymen on the committee, we were on a fifty-fifty basis; that is, we were fortunate enough to have three lawyers and unfortunate enough to have three laymen—it was thought best to make it mandatory, so that the assessor could have no possible excuse for not attending whenever it was necessary for him to be present.

Mr. ROBINSON. Mr. President, I do not intend to resist the conference report, but I think it would have been much better to have said that the assessor shall attend the meetings and hearings when necessary or when requested to do so by the commission, because this discussion has disclosed the fact that it is not expected that the provision will be literally complied with.

Mr. GRONNA. That is true; it might have been better, I will say to the Senator, to have provided as he suggests.

Mr. POMERENE. Mr. President, if I may be permitted to add a word, of course, unless the Senator from Arkansas and other Senators are familiar with the facts I am going to state, I can understand what their position would be. I do not believe that this is going to require a great deal of the time of the assessor. I say that for this reason: The law provides for triennial valuations of property in the District; and I happen to know from my former connection with this legislation that the present assessor and his force have a complete survey of the various properties in the District, not only hotel properties and apartment houses, but private residences, which it was necessary for them to make in preparing their valuations for the purposes of taxation. So the presentation of these records and other data as the assessor's office have compiled them, and which are going to be necessary in order to fix rentals, is going to greatly simplify the work of the commission.

Mr. ROBINSON. Mr. President, if the Senator will yield to me, I think he has missed the point of my suggestion. My suggestion is that the assessor ought not to be required by law to be constantly in attendance upon the meetings and hearings of this commission, for the reason that his presence there will not be necessary at all times, and for the further reason that the requirement, if strictly complied with, will deprive him of the opportunity to perform his functions as assessor of the District.

I am not going to ask that the conference report be rejected with a view of modifying this provision; but I merely point out the fact that we are writing into the law a requirement as to this officer which he can not comply with unless he neglects his important duties. This commission will be in almost constant session, either holding meetings for the determination of questions before it or having hearings, and under a strict construction of this provision the assessor is required to be present all the time. The statement of the Senator from North Dakota and that of the Senator from Ohio are to the effect that as a matter of fact it will not be necessary for him to be present much of the time.

Mr. GRONNA. Mr. President, if the Senator will permit me, I will say that the statement made by the Senator from Ohio is absolutely true. The committee also went into that phase of the matter, and it was disclosed that the assessor can give a great deal of his time to this particular work. It is not necessary, as the Senator from Ohio has stated, for the assessor to take much of his time in making the assessment, because he has all the maps, all the data, and he makes up his assessment rolls practically from the records in his own office. That matter was gone into very thoroughly. I will say that personally I was in favor of modifying it, but it was thought best to make it mandatory, and say that the assessor should be present whenever it was necessary to have him attend the hearings of the commission.

Mr. ROBINSON. That is exactly the view I take of it; and what I can not understand is, the Senator entertaining that view, and it being so clearly correct, why it was not written into the law instead of this requirement that he should be there all the time.

Mr. GRONNA. Well, it might give the assessor an excuse to say that it was impossible for him to be present. It is possible for the commission to treat him leniently, I think, and say that it is not necessary for him to be present at all hearings. I will say to the Senator that there is no penalty provided in this bill in case the assessor does not attend. He is not penalized in any way.

Mr. McCORMICK and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. GRONNA. I yield first to the Senator from Utah.

Mr. SMOOT. Mr. President, I have wondered whether, under existing law, this additional \$1,000 per annum can be paid. We have a statute which positively prohibits any employee of the

Government who is receiving as much as \$2,000 per annum from receiving an additional salary from the Government of the United States.

Mr. ROBINSON. If the Senator will yield to me, I do not think there is any difficulty at all about that, because this is subsequent law. This, being the most recent enactment, if it passes, will modify the act to which the Senator from Utah refers.

Mr. SMOOT. Yes; I think the Senator is right.

Mr. GRONNA. It is provided for in the act.

Mr. SMOOT. But I wanted to call attention to the fact that it is a very bad thing to have any employee of the Government drawing two salaries. We are now paying the assessor for all of his time. The work for which we are paying him \$3,500 each year is supposed to require his whole time, and I have no doubt that when he applied before the Appropriations Committee for a raise in salary the plea was that the work had piled up on him so greatly of late that it required overtime in order to accomplish it. I am not going to ask to have the conference report rejected upon this account; but I hate to see the Senate of the United States begin now to establish here a precedent of paying two salaries to one employee of the Government, one salary from one department and another salary from another department.

Mr. GRONNA. But I am sure the Senator from Utah realizes that this legislation will continue only for a period of three years. It is not permanent legislation.

Mr. SMOOT. But it is a precedent, all the same.

Mr. GRONNA. And it also adds to the burdens and to the work of the assessor. There is no doubt about that.

Mr. SMOOT. If he gives his time to this commission, he can not give it to his office as assessor. There is not any doubt about that.

Mr. GRONNA. I will say to the Senator that it does not take all of his time.

Mr. SMOOT. No; I am perfectly aware of that.

Mr. McCORMICK. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. GRONNA. I do.

Mr. McCORMICK. I was going to ask the Senators who have engaged in this interesting colloquy, inaudible to the other Senators, if they would be good enough to repeat what they have said, so that we may form some judgment of the debate. I have no doubt the Senators on the center aisle "acquire merit" by propinquity to the seniors who have secured those positions by long service and distinguished service; but there are others of us who would occasionally like to be informed as to why public moneys should be expended or conserved. I have no doubt that the Senator from Arkansas and the Senator from Utah and the Senator from North Dakota added very much to the sum of the information of the Senators who heard them, and to the sum of the information of Senators who may read the RECORD after church on Sunday; but in the meantime I should like to know why I should vote two salaries or why I should not vote two salaries for one person. There are some of us in this Chamber who would like two salaries.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. GRONNA. Before I yield to the Senator from Arkansas, I simply want to say that I apologize to the Senator from Illinois for not speaking audibly.

Mr. McCORMICK. I did not ask for an apology. I asked for a repetition of the colloquy, in order that we may know what has been said.

Mr. GRONNA. As far as I am concerned, I have said very little, and it would be a very easy matter to repeat what I said.

Mr. McCORMICK. If Senators will rise, then, and repeat seriatim what they said, we will not ask in this corner that they repeat verbatim the colloquy.

Mr. GRONNA. I observe that the Senator is about ready to leave the Chamber.

Mr. McCORMICK. No, Mr. President.

Mr. ROBINSON. Mr. President—

Mr. GRONNA. I yield to the Senator from Arkansas.

Mr. ROBINSON. I feel more like apologizing to the Senate for having made once the inconsequential remarks that I have made, and of course I have no intention of repeating them. I always speak in the Senate so that anyone who is not deaf may hear me if he desires to do so, but I can not say that it would have added very materially to the intelligence of the Senator from Illinois if he had been listening and heard what I said.

Mr. McCORMICK. It might not have added to the sum of my intelligence, but it might have added to the sum of my information if I could have heard what was said—I sat here,

listening—when the three Senators conducted the debate sotto voce, in whispers, which I presume will appear to-morrow in the RECORD.

Mr. GRONNA. As I understand, there is no objection to these sections, and I believe it is best to proceed.

Mr. KELLOGG. Mr. President, I should like to ask the chairman of the conference committee a question about this report. I was not in the Senate when the bill was passed. I was attending the meeting of a committee. Does this bill propose to fix all rentals in the District of Columbia; and if so, for how long?

Mr. GRONNA. As long as this law is in effect.

Mr. KELLOGG. Permanently?

Mr. GRONNA. Well, I do not know. It would be fixed permanently unless upon complaint by either the tenant or the owner of the property, if there be reason for complaint—

Mr. NORRIS. Mr. President, may I interrupt the Senator? I think the Senator from North Dakota did not understand the inquiry. The law expires by its limitation in three years.

Mr. GRONNA. I said, as long as the law is in effect. The bill provides, as the Senator from Nebraska has said, that it shall expire at the end of three years, unless sooner repealed by Congress.

Mr. KELLOGG. Mr. President, I shall not vote for any conference report which authorizes the fixation of rentals in Washington for three years. We need more individual enterprise and initiative in the business of this country and less Government interference, and if we fix prices on commodities in the District of Columbia and throughout the country, we will entirely discourage individual enterprise which is absolutely essential in our development. The principle is uneconomic and wrong.

Mr. GRONNA. Mr. President, if the Senator will yield to me, I think I did not make myself plain. It is not necessary for the commission to fix a price where no complaint is made. If the tenant and the owner of the property are both satisfied, the condition, if this bill becomes a law, will be exactly what it is to-day; but this bill does provide that where the owner of the property takes advantage of these hundreds of thousands of people who must necessarily be here if we are going to carry on the business of the Government, if exorbitant prices are being asked from those people, then they have the right to appeal to this commission and the commission has the authority to fix a reasonable rent.

Mr. KELLOGG. Mr. President, I know of no governmental commission that will decline to function if it possesses the power. They always exert their power to the fullest extent and sometimes intermeddle in matters without their jurisdiction.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. KELLOGG. Yes; I yield.

Mr. ROBINSON. I suppose the Senator is fairly familiar with conditions in the District of Columbia relating to rentals during the period of the war?

Mr. KELLOGG. I am.

Mr. ROBINSON. I desire to ask the Senator a question, with his permission.

Mr. KELLOGG. What is the question?

Mr. ROBINSON. It is this: In view of those conditions, does the Senator think that no legislation upon this subject is necessary?

Mr. KELLOGG. Well, the war is over for all practical purposes. During the two years of the war it may have been necessary that Congress should temporarily provide means of housing the thousands of employees that were brought here who were necessary to the prosecution of the war; but, instead of confining our efforts to that object, we passed the Saulsbury law. A more absurd statute was never put on the statute books. In the majority of cases it operated unjustly and failed to accomplish the results intended by the Congress. Hostilities ceased a year ago; thousands upon thousands have left the city, and more ought to leave it; and we now propose to initiate a system of price fixing in the District which will have an ultimate effect on the entire country.

Mr. GRONNA. Mr. President, will the Senator permit me to ask him a question? I have profound respect for the Senator's judgment as a lawyer. I know of him and know of his work. As I said a moment ago, there were, unfortunately, three laymen on this conference committee, but fortunately three lawyers. I should like to ask the Senator from Minnesota if, in his opinion, Congress has no constitutional right to fix rents for the employees of the Government of the United States in the District of Columbia even in times of peace?

Mr. KELLOGG. I am not a constitutional lawyer to commence with, but just an ordinary country lawyer. Undoubtedly, in time of war, when necessity exists to provide for an extraordinary number of people here, Congress has the power to insure

their subsistence and residence, even to the extent of condemning private property. But that Congress in time of peace can fix the prices generally throughout the country I have very grave doubt.

Mr. GRONNA. I agree with the Senator on that point; but my inquiry of the Senator was, Does he not believe that Congress has authority, even in time of peace, and that it has not only authority but that it is the duty of Congress to provide for the people who necessarily must live here in order to do their work?

Mr. KELLOGG. It resolves itself into a question of the necessity for their continued residence in the District. The consensus of opinion seems to be that the efficiency of the departments of the Government would be increased if the great mass of employees is reduced to a reasonable number. If it is shown that actual necessity exists for employment by the Government of more people than the housing facilities of the District will accommodate, then I assume that the Congress has the power to provide for them.

Mr. PHELAN. Mr. President, I desire to ask a question of the chairman of the committee who has the conference report in charge. It occurs to me that the bill is wrong in principle, because the high rents in the District of Columbia are due entirely to the fact that there are more people than there are houses. I can not conceive of a measure better calculated to deter owners from erecting houses than the establishment of a commission to fix rents; and if that is true, this is the veriest temporary expedient, justified only on account of war conditions. But, as the Senator from Minnesota says, the war has been over for a year; people are leaving the District, the pressure is being reduced, and the number of employees will probably be reduced. It seems that we are resuming our normal life. Hence the peril in the bill is that it will deter men from building.

The question I desire to ask the Senator in charge of the report I do not find answered from a hasty glance through the pages of the bill. It is whether a man contemplating the erection of a structure can go to this commission and ascertain in advance what would be the return upon his investment?

Mr. GRONNA. Mr. President, I believe I will ask my colleagues on the committee, the Senator from Nebraska [Mr. NORRIS] or the Senator from Georgia [Mr. SMITH], who are both lawyers, to answer that question. I presume it is a legal question.

Mr. PHELAN. I suppose the power would have to be directly conferred. Is it directly conferred?

Mr. GRONNA. We deal with dwellings, apartments, and hotels. That is all the bill deals with. It deals with conditions as they are.

Mr. PHELAN. But suppose the Senator desired to erect an apartment house which involved the expenditure of a million dollars. If he had the expectation of a fair return, he might undertake to build such a structure. In the absence of it, he puts his entire investment in the hands of a commission, which might decide that he paid too much for the land, or that the labor conditions were such at that time that he would be unwarranted in collecting a return upon the cost. So, in subsequent years, he would be wholly at the mercy of the commission. If he understood those conditions, as a business man he would not construct the building. The element of speculation is in every enterprise, and he expects, when he puts up a building, to get a satisfactory return as soon as the building is completed. Must he then for the first time ascertain what his return is to be?

Mr. GRONNA. My opinion would be worth very little, I take it; but I will give the Senator my opinion. All through the bill the term "fair and reasonable rents" is used. It seems to me it would not be difficult for anyone who had the money and wanted to build an apartment house, or anything else, to take the plans to the commission, because plans and specifications must be made out anyway, and the commission, I believe, could very well afford to give an opinion as to what would be a reasonable rent, or what the commission would consider to be a reasonable rent. The Senator must not lose sight of the fact that if the rent fixed by the commission is deemed unreasonable, the owner of the property has the right to appeal to the courts. Does not the Senator believe that the courts would do justice to the party who invests his money in the building?

Mr. PHELAN. I am speaking of the state of mind of the party who has the money and wants to make the investment. The presumption is that he would not want to submit to the courts the question of a reasonable rent, because he goes into the enterprise very often with the best expectation of getting a very considerable return, say 10 per cent, and the courts are very fond of holding 5 and 6 per cent as reasonable. The Senator himself

reported a provision here defining "intoxicating" and "nonintoxicating" in the food bill. He did not leave that to the judgment of the court but provided that nonintoxicating beverages consist of those that contain not more than one-half of 1 per cent alcohol. Why should not an attempt be made to determine what is reasonable here, so that a man might know in advance what he might expect from such a commission as is here set up?

Mr. GRONNA. I believe such a bill was reported, and I think the distinguished Senator from Nebraska [Mr. NORRIS] was the one who had the pleasure of making that report. I will say to the Senator from California that I would be glad to have made it, but I did not make it. I approve of everything that was in that report.

Mr. PHELAN. Then the Senator approves of the principle of deciding what "nonintoxicating" means in the one case and "reasonable rent" means in the other?

Mr. GRONNA. Does the Senator from California believe that the Congress of the United States should fix these rents? Does he believe that we should define here what is a reasonable rent?

Mr. PHELAN. I stated that I believe this bill is wrong in principle and that the Congress of the United States should not meddle in a matter of this kind except as a war emergency; that the war is past and we should resume normal life, which would mean the construction of new buildings in the District of Columbia, thus benefiting the people of the District of Columbia, and what is a fair rent would be ultimately determined by the law of supply and demand. The landlords in emergencies get excessive rent. This should be curbed. In normal times, however, for the most part, with the deterioration of residence property, they are poorly recompensed. The Government should raise pay or provide dwellings and leave private enterprise unhampered in time of peace.

Mr. GRONNA. Let me say to the Senator from California in all seriousness that if he will read the testimony presented not only to the Committee on the District of Columbia but to other committees, he will find a condition such as has been pictured by some of the witnesses, and that are appalling, when it is found how the poor working girls who come here to work in these departments are compelled, on account of expenses, to huddle together like a bunch of sheep in insanitary conditions.

I will say to the Senator that this bill is to prohibit the practice of charging exorbitant rents and also to prohibit the practice which has grown up in the District of Columbia of profiteering in subletting rental properties at not only 100 per cent or 500 per cent, but in some instances at 1,000 per cent. The owners of the property who are doing an honest business are not complaining against the bill so far as I know. I have talked to some of them, and they have said to me that they believe it is a good measure. They do not wish to be classed with the profiteers who, for the last two years, or since the war commenced, have engaged in these practices. The testimony shows that some of the apartment leases have been made at a reasonable price, but there has been collusion between the parties who sublet the apartments and the owner of the property; and where in the first instance the property was leased at a fair rental of, say, \$75 a month, \$150 or \$200 worth of furniture would be put into the rooms, and those very rooms sublet for five or six hundred dollars a month.

The Senator must admit that it is our duty to do something for the people who are here working for the Government of the United States. War or no war, I maintain that it is the duty of Congress to protect these people.

Mr. PHELAN. Mr. President, I am asked a question by the Senator. I am perfectly familiar with the testimony and I sympathize entirely with the Senator in stigmatizing the practices of profiteers during the war as being unjustifiable, if not worse. I am proposing a remedy for these very conditions, but a permanent remedy, by permitting men, unhampered, to improve property in the District. I greatly fear that a restriction of this kind will deter them, and hence there will be no permanent remedy for these poor people. This being a conference report, I understand we can not amend it; we have either to accept it or reject it, but I should think the Senator might consent to a suggestion that the operation of the law be limited for a period not exceeding two years.

Mr. GRONNA. It is limited to three years, I will say to the Senator.

Mr. PHELAN. I did not know there was even a limitation of three years in the bill. That is a confession, therefore, on the part of the committee of the correctness of my contention, that it can not be regarded in any sense but as the veriest temporary expedient.

Mr. KELLOGG. Mr. President, I should like to ask the Senator from North Dakota why it is that the useless employees in

these departments are not let out, so that they may go to some other part of the country and do something that is useful? In an investigation that was started a long time ago it was found that a large number of employees were engaged in perfectly useless work, and it has manifestly been worse during the war. For instance, in the Treasury Department some 25 or 30 employees were copying decisions into a book that never in the history of the Government had been opened. Such things as that are going on all the time, but it was a great deal worse during the war. A number of clerks and stenographers told me that they had nothing to do but sit around, perhaps take one letter a day or attend to the office. If we go at it and make a careful investigation of these departments, weed out the useless employees, and see that the rest do their work as they ought, the Government will not have any surplus here to take care of.

Mr. NORRIS. Mr. President, I am surprised that the Senator from Minnesota, with his legal training and logical mind, should offer the objection he has offered to this conference report, that because there are, as he claims—and for the sake of the argument I am going to admit it, as I think there is a great deal in what he says—a great many employees in the Government who are useless and who ought to be discharged, therefore this kind of legislation ought not to be put on the statute books.

Mr. KELLOGG. I will say to the Senator, if he will permit me, that I did not offer that as an objection to the conference report. I am quite aware that it is not an objection.

Mr. NORRIS. I am glad to hear the Senator make that admission.

Mr. President, I think we are confronted with a serious situation, and we have been confronted with a serious situation in Washington ever since the beginning of the war, and for some time before, really a serious situation in times of peace. It seems to me it is a fundamental proposition which no man can dispute that the Government of the United States owes it to itself and its employees that they should be properly protected in the place where they must live and work in order to carry on the governmental functions. When the Constitution was adopted I think the framers of that great instrument had that point in view, because they provided for a place that should be under the jurisdiction exclusively of the United States.

It is a well-recognized fact that for two or three years in this District there have been conditions existing that were simply appalling, making it almost impossible for employees of the Government to even live. I know it can be said that they can go somewhere else; and that might be true, and that somebody could come and work for a dollar a year, who had a million-dollar-a-year income, and run the Government. That is one idea, and that would be one way to do it.

Mr. POMERENE. Mr. President—

Mr. NORRIS. But that would drive out of the employment of the Government all the men and women who are depending upon their salaries for a living. I yield to the Senator from Ohio.

Mr. POMERENE. If I may be permitted to make a suggestion, the rental year in the District begins October 1. I share the view of the Senator from Minnesota [Mr. KELLOGG] that there are a lot of supernumerary clerks who ought not to be in the departments here.

Mr. NORRIS. I agree with that also.

Mr. POMERENE. But there are a lot of them who are very essential to the Government service; and there are a lot of other people who are employed in stores.

Mr. NORRIS. Exactly.

Mr. POMERENE. If there is not to be any relief granted, all these people will be the victims of the rapacity of a lot of landlords.

Mr. NORRIS. Yes; that is true.

Mr. POMERENE. I think, from information I have, that probably four out of five have been notified that there would be a very substantial increase in their rental beginning October 1, and they were politely advised to move out, or given one excuse after another in order to dispossess them in spite of the Sanitary law or any other law that may be on the statute books.

I share the opinion of the Senator from Nebraska [Mr. NORRIS] and the Senator from North Dakota [Mr. GRONNA] that we would be very derelict in our duty if we did not do something for the relief of the people in the District at this particular time.

Mr. NORRIS. I thank the Senator for his observation. He has called attention to one point that I wish to emphasize. We must not only protect the Government employees but we must protect the other people who are in business here and who must be in business here or the Government employees could not live.

Now, Mr. President, we have a conference report here which under ordinary conditions I would not offer. I suppose if I had

been told 10 years ago that the time would come when I would support a proposition of this kind I would have hooted at the statement; but, in my judgment, it is the very necessity of the case that makes it obligatory upon us to do something. It may not be right. I know that men's judgment will differ, when they are all equally honest, but to bring about some remedy the Senate and the House ever since the beginning of the war have been striving to do something. We passed the Saulsbury resolution. I think it can be safely said that it was not satisfactory to anyone in Congress, and yet almost everyone supported it, because we realized that we were confronted with a condition in which we had to take some definite means in order to even permit the Government to continue to function.

Mr. JONES of Washington. Mr. President—

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES of Washington. I suggest to the Senator that it was intended really as a temporary provision, until we could enact legislation to meet the situation more fully.

Mr. NORRIS. Exactly, until we could enact other legislation. Next came the bill that was offered as an amendment to the food-control bill that was reported out by the District of Columbia Committee. It went to the House and from the House into conference and the conferees redrafted the bill. It is limited by its terms to three years. It goes out of existence in three years from now unless Congress extends it, and, of course, Congress may repeal it before that time, so that all its provisions are ended in three years.

In my judgment, that limitation ought not to be placed upon it, but I am not going to argue that. I think we could well let it stay on the statute books until Congress found it advisable to repeal it or change it. I believe we will find that for much longer than three years we will have to have some legislation protecting the people of the District.

The bill provides for a commission of three men drawing a salary of \$5,000 each. In brief, it is the duty of the commission to fix the rents. They fix the rents upon complaint. They can also fix them upon their own initiative. When they fix the rents they are instructed, of course, to fix them upon a fair and reasonable basis, and when they once fix them for a house or an apartment or any other building, the amount at which they fix the rents remains until changed by another order of the commission or by an order from the court to which the case may have been appealed. There may be a better way to handle it. I am sure if there is a better way, I would be glad to see it suggested and put into operation. But after all the discussion, and it has been honest and earnest, diligent, and prolonged, the conferees have agreed upon this kind of a measure. There are appeals allowed. There are one or two penalties in its provisions. Where the landlord appeals, for instance, from a decision of the commission and it has to go to the court, it is made the duty of the commission to defend the case in court and relieve the tenants, to protect the tenants, to supply the attorney and pay the expenses. I really believe that some such provision is necessary in order to prevent injustice from being brought about through a simple matter of delay. We have thought that we ought to permit an appeal to the courts so that the matter could be adjudicated and passed upon, but while it is pending the commission's order goes into effect. It applies to leases that have been made, it applies to houses and apartment houses, it applies to hotels.

Mr. President, in my humble judgment this measure will be effective and bring about justice if we have a good commission. I think any man who will read the proposed law will realize at once that whether it is good or bad will depend, more than any other one thing, upon the men who are named by the President as members of the commission.

Mr. KING. Mr. President—

Mr. NORRIS. I yield to the Senator from Utah.

Mr. KING. I was not in the Chamber when the bill was under consideration and have had very little opportunity to examine it; in fact, I have not read it through. I wish to ask the Senator from Nebraska upon what theory this legislation is justified. I see that it is an amendment to a bill which was passed during the war and which was based, as I recall, upon the war powers of the Federal Government. Does the Senator contend that the measure now is justified under the exercise of the war power or can he justify it upon some other power of the Federal Government?

Mr. NORRIS. I think probably the Senator was not in the Chamber when I was outlining what in my judgment is the justification.

Mr. KING. No; I was not.

Mr. NORRIS. I believe that it can be justified in time of peace as well as in time of war. I will read just one section of the bill, and then I will endeavor to answer his question.

Mr. KING. Just one question. Is it not rather incongruous, if it is passed as peace legislation, to attach it to a bill which is confessedly a war measure?

Mr. NORRIS. It is probably incongruous to attach it to the bill to which it is attached. I admit that it ought to have been a separate bill, but the Senator knows how legislation of that kind comes about. It is tacked on as an amendment to another bill.

Mr. POMERENE. Will the Senator allow me to make a very brief statement, which will perhaps add some light to the situation?

Mr. NORRIS. Certainly.

Mr. POMERENE. I was sitting in my office some time ago when a conversation was reported to me, which I believe to be entirely authentic, that a member of the family of one of these landlords had said, in reference to the Saulsbury resolution, "Just wait until the Saulsbury resolution expires by limitation, and then we will make lots of money."

Mr. NORRIS. There is not any doubt but that that threat has been made thousands of times.

I will read one of the sections of the bill:

SEC. 122. That it is hereby declared that the provisions of this title—

The title, I will say to the Senator from Utah, refers to the rent proposition entirely—

It is hereby declared that the provisions of this title are made necessary by emergencies growing out of the war with the Imperial German Government, resulting in rental conditions in the District of Columbia dangerous to the public health and burdensome to public officers and employees whose duties require them to reside within the District and other persons whose activities are essential to the maintenance and comfort of such officers and employees, and thereby embarrassing the Federal Government in the transaction of the public business. It is also declared that this title shall be considered temporary legislation, and that it shall terminate on the expiration of three years from the date of the passage of this act, unless sooner repealed.

That is the reason given in the proposed law itself. Personally I think that we have a constitutional right to enact this kind of a law in time of peace for the very reason that it strikes at the very fundamental existence of the Government. If we had, let us say, a different Constitution and a board of aldermen in the city of Washington, over which Congress had no jurisdiction or control, they could make it impossible for Congress to remain in session, they could make it impossible for the Federal Government to exist. If a combination of men owning not all the property, not even a majority of the houses and apartments, should raise rents to such an amount as they could if they had complete control, they could absolutely make it impossible for the Government to function, and we would have to go out of business. Self-preservation is the first law of nature. I think we could apply it to other things besides rents, and I am not sure but what we will have to do so.

Mr. President, it has gotten so right now that if a Member of the Senate has a toothache he has to suffer with it; he can not go to a dentist and let him know who he is before he has his tooth pulled without putting up installments out of his salary for the next two or three months. He can not get sick, members of his family can not get sick, he can not live here unless he is healthy, or is able to go home, when something like that happens to him or members of his family, to be doctored or have his teeth pulled. It is a continual holdup all the time.

Mr. KELLOGG. Will the Senator yield for a question?

Mr. NORRIS. Certainly.

Mr. KELLOGG. I ask the Senator if it is not a fact that the Government meddling in the coal business and appointing a coal commission actually raised the prices and decreased the production during the war? That is generally understood to be the fact.

Mr. NORRIS. There is no Senator here who is more opposed to the Government meddling in the ordinary affairs of life than I am, and I have entire sympathy with Senators who take that view. I am not going to argue the coal question or the other questions the Government went into. Every one of them has two sides. I supported in most cases the legislation that gave the Government power to do it. It seemed to me necessary. I am basing this legislation upon a different principle. It is for the preservation of the Government itself. It is to enable the Government to function; and I think the Government has absolute control in the District of Columbia to regulate by law any business, any industry, so long as it does not take private property for public use without compensation and so long as it does not confiscate private property. It owes it to itself and it owes it to the country to do that.

Mr. POMERENE. Mr. President—

Mr. NORRIS. I yield to the Senator from Ohio.

Mr. POMERENE. And that authority is as unlimited as the authority of the State legislature would be in the State in which it functions.

Mr. NORRIS. Yes, sir; and I think a great deal more so, perhaps. The State legislature, for instance, is handicapped to some extent even in the capital of the State, because it does not have supreme jurisdiction over it as Congress does over the District of Columbia. Here, however, there is not any such limitation; and that wide scope of authority was put into the Constitution for the purpose of meeting just the kind of a contingency that we have had to face.

Mr. President, personally I believe that there is nothing in the conference report that is unfair to any legitimate, honest industry or business, apartment house, hotel, or other rented properties. I am sure I would not want to do and I am sure the conference committee would not want to do anything unfair to such interests; but the conferees have felt, I think in answer to a conclusion reached by all people who have lived here and studied the situation, that some steps are necessary to be taken and to be taken now. Even though an armistice has been signed for nearly a year, the unfortunate conditions still exist and are with us to-day.

Mr. DIAL. Mr. President, I am a member of the subcommittee which helped to frame the original bill. I desire to say that we labored for a long time on it and think we reported a very good measure. I wish, however, the section in reference to the renting situation in the District had been embodied in a separate bill.

I have heard a great deal said here about there being unnecessary employees of the Government. I do not know whether or not that is true; but, so far as I am individually concerned, I should be willing to join in an investigation with the object of dismissing any surplus employees of the Government and should favor such an investigation extending through the entire system of the Government. If it were found that there were unnecessary employees they should be sent home. That is the way I feel in reference to that matter.

The reason for framing the proposed rent legislation was this: As has been stated by the Senator from Nebraska [Mr. NORRIS], Congress has jurisdiction over the District of Columbia; and it seemed to the committee that the only way we could obtain housing accommodations for people at any reasonable rate of rental at all was to enact the legislation proposed.

The Senator from Minnesota [Mr. KELLOGG] speaks of regulating rents all over the country; but, of course, Congress has no constitutional right to do that; and our committee would not expect that to be done. Therefore, we never got to the point of considering such a proposition. I feel that it is wrong in principle for the Government to undertake to interfere with investments in property, but the circumstances existing in this District excuse the application of such a remedy in this case. It is not our intention to discourage people from investing in the District; on the contrary we desire to encourage them to build houses here; but upon investigation we found that providing a certain amount of profit from such investment, limiting it to a certain per cent, would be impracticable; that it would be very difficult to prejudge what would be a reasonable profit in any particular case; that there would have to be taken into account depreciation, vacancies, and considerations of that sort. We, therefore, concluded that it would be wise to leave the matter to a commission.

Personally I feel this way about it; that it is the business of Congress to pass some such legislation in order to protect the people whom we bring here to help carry on the affairs of this Government. We are compelled to have them here; and we either ought to pass legislation to protect them or we, perhaps, ought to do worse and have the Government go into the building business and erect homes here for the purpose of renting them to the employees of the Government.

I am just as much opposed as is any other Senator here to the Government engaging in any business. I have so stated heretofore. I want the Government to refrain from interfering in business so far as it can be kept out of it. I favor turning back the railroads and everything else in which the Government has been dabbling. I do not think it is a proper governmental function to engage in such matters; the Government should leave them to the people. It is absolutely necessary, however, for those connected with the Government to live here; we have clerks here to perform the duties which are incumbent upon them. Therefore we should see that they are not robbed here every day and every month in the year.

I do not ask the Government to protect me, though I have had a hard time; so hard that it came mighty near putting me into an insane asylum hunting for a home. At last I found one;

bought it, paying cash for it, and received a deed; and now its occupants tell me that they will get out whenever they are put out by legal proceedings. That is the kind of a situation we are in here.

So I have come to this conclusion. We have discussed the legislation as now found in this conference report; we have considered it carefully; and I feel as I have said. I would go just as far as any man; I would back and buck and kick just as hard as anybody in the world against the Government going into business or interfering with private investment. I believe in encouraging the people, in letting them go to work and make money, and letting capital get a just return upon its investment, as well as labor getting a just return upon its service. We ought not to discourage, and I do not believe this bill will discourage, honest investment.

I therefore hope that the conference report will be agreed to.

Mr. SMOOT. Mr. President, I agree with the Senator from Nebraska [Mr. NORRIS], the Senator from Ohio [Mr. POMERENE], and others that there is a serious situation now existing in the District of Columbia as affecting those who are compelled to rent property. It would be a very simple matter to relieve that serious situation; it could be done, and millions of dollars could be saved to the Government of the United States without interfering one particle with the work that is being accomplished in the District now. I say that relief will come before very long, and will be afforded by separating one-third of the employees in the District of Columbia from the Government service, which should be done.

Employees of the Government who visited my office this morning told me that within the last few days the head of a division in one of the departments called in all the employees of the division and told them that upon a certain day there would be an investigation made as to whether or not there were too many employees in the division; and he told all of the employees that on that particular day they were to be at their work, and if they had no work they were to create some. I am not going to give the name of the division head until I receive a letter from the employees who came to my office this morning who told me that story and swore that the statement was true, but I expect to get the letter in a day or two.

Mr. President, there is no doubt in the world that if we would dismiss one-third of the Government employees in the District of Columbia the work would be done just as well, and then we would find the owners of houses to rent hunting for tenants, and they would not dictate the rental, but the tenant would have something to say as to what he would pay. The whole situation would thus be entirely changed.

Mr. President, there are now 104,000 Government employees in the District of Columbia. One-third of them, or at least 35,000, might just as well go home and do some work other than what they are supposed to do for the Government. The statement which was made yesterday by the Senator from Washington [Mr. JONES] is absolutely correct. I know there are employees in the departments who do not do two hours of work in a day.

Mr. POMERENE. Mr. President, may I interrupt the Senator?

Mr. SMOOT. Yes.

Mr. POMERENE. I am in entire sympathy with the Senator's statement to the effect that there are more employees in the District of Columbia than there ought to be, but that is not going to give us the immediate relief which we need.

Mr. SMOOT. I am not going to oppose the adoption of the conference report, I will say to the Senator.

Mr. POMERENE. I will give to the Senator, for what it is worth, a statement made to me this morning in my office by a former clerk who had in his charge a number of employees. They make out, as I understand, certain certificates or efficiency reports. One of the young ladies under him made out her report reciting the fact that she worked from 9 o'clock until 4.30 o'clock, and on the same day she wrote a letter to a friend that she did not have one hour's work a day.

Mr. SMOOT. Mr. President, I wish to call the attention of the Senate to another condition existing here. The Government of the United States erected the buildings north of the Capitol, now called the Government hotels. We did not erect those buildings simply for the purpose of giving employment to people; we thought we were erecting them to serve a useful purpose; that they would be run in a business-like way, and would furnish rooms for Government employees at a reasonable price. Senators, do you know that the cost of administration of the Government hotels to which I refer, those just north of the Capitol, in the item of wages alone exceeds \$108,864 a year?

Mr. SHERMAN. Mr. President—

Mr. SMOOT. Just a moment. I will call attention now to some of the salaries, and I wish to inquire whether or not the Senate of the United States ever intended such salaries to be paid?

Miss James, the manager—and I have learned within the last day that her salary, beginning July 16, 1919, has been increased \$500, including the maintenance she receives from the Government—has a salary amounting to \$5,904, and with the \$500 added it will amount to \$6,404 a year. Why, Mr. President, we are paying assistant secretaries of the Treasury only \$5,000 a year; we are paying the Commissioner of the Indian Bureau only \$5,000 a year; we are paying the Commissioner of the General Land Office only \$5,000 a year. Think of that! I find that Miss Davis, assistant manager of the Government hotels, is receiving \$5,904 a year.

Mr. THOMAS. What is the \$4 for.

Mr. SMOOT. That comes in through the maintenance charge. Miss Ryan, assistant and private secretary to Miss James, \$2,464; Miss Stern, register, \$2,184; the head bookkeeper, \$4,500. Without any maintenance item, the head bookkeeper receives \$4,500. Then there are four assistant bookkeepers at \$2,304 each, and Miss McGregor, head of the office force, \$2,100.

I might go on and recite further what the Government is called upon to pay for salaries in connection with this enterprise. I know that Congress never intended that such amounts should be paid when it undertook to erect these buildings to secure a place in which the employees needed by the Government might live.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. WADSWORTH. Can the Senator tell us whether or not the dormitory buildings a little north of the Capitol are self-supporting?

Mr. SMOOT. They are not self-supporting.

Mr. McCORMICK. Mr. President, will the Senator yield for a moment?

Mr. SMOOT. Yes.

Mr. McCORMICK. That, of course, is contrary to the colored statement that has been circulated by the Housing Bureau.

Mr. SMOOT. I will say to the Senator that the Housing Bureau knows that the property referred to is not self-supporting, and we all know that it is not.

Mr. President, I say again to the Senate that we thought when the war closed the number of Government employees in the District of Columbia would be lessened, but we were mistaken. During the month preceding July 27 of this year there was an increase in the number of employees in the District of 1,119—no decrease, but an actual increase. This condition will not be changed unless Congress takes action to compel a change. I do not know whether it is worth while to go into this question further at this time, but I know that if the people of the United States understood how their money was being spent there would be a cry from one end of the country to the other that would compel Congress to act, and of which the heads of the divisions and the heads of bureaus would have to take notice.

Mr. President, so far as the conference report is concerned I am in hearty sympathy with any legislation that will tend to rectify the injustice that is being imposed upon the employees of the Government; but I think that it could be rectified, as I have said, by separating from the Government service 35,000 employees who have to be housed, the great majority of whom are complaining that their salaries are not high enough and should be increased. Let them go home and enter upon some other line of work which will accomplish more good than the work they are supposed to be doing for the Government in the District of Columbia.

Mr. SHERMAN. Mr. President, I have no excuse to make for the redundant pay roll referred to by the Senator from Utah. That, however, is not the question involved in this conference committee report. If there are more on the pay roll than the Government's needs require, the blame rests in this Chamber just as much as it does in the executive departments. I have uniformly, in the Appropriations Committee, tried to reduce these appropriations, and we have done so in some instances; but there is no general, hearty, sympathetic support for the cutting off of appropriations. The most lonesome task a man undertakes in this body is to reduce Government expenditures. It is unpopular. I do not so much blame the departmental officers. It is bad form to turn back a surplus from a fund furnished by Congress. They would lose standing in the fraternity. They would be open to have charges preferred against them. As long as congressional discretion sends to that department so many million dollars, we may expect it to be spent. Anyone is a

trusting innocent that ought not to be allowed to go out without a traveling companion who thinks that a department will turn back, or has, as a rule, for 30 years ever turned back, a dollar that was furnished by a congressional appropriation whether it ought to be spent or not.

We wanted some help on the District of Columbia Committee here a month or six weeks ago, and we sent to the department whose employees are supposed to be experts on that subject, and they wanted to charge us a \$10,000 bonus over and above the salaries of the persons employed, because they were short on appropriations, and they wanted to extract \$10,000 from the Contingent Expense Committee of the Senate in order to piece out the appropriations. They were short, for some reason; I do not know why. They had spent all of their money, and they wanted to profiteer on the District of Columbia Committee to the extent of \$10,000 for the information that they had. That is over and above the salaries of the paid employees of the Government sent to us to help in our investigation.

That is an extreme case, of course. That does not happen every day; but so long as we furnish the appropriations we may expect them to be spent. Often a healthy deficiency is brought in. The right place to begin this reform or criticism, however, is in the Appropriations Committee. We have the hatchet, and if we do not use it we ought not afterwards to be heard to complain.

Mr. JONES of Washington. Mr. President—

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Washington?

Mr. SHERMAN. I do.

Mr. JONES of Washington. It is interesting to know whether or not the District Committee allowed this profiteering scheme to succeed.

Mr. SHERMAN. It did not. We went without the information, or got it ourselves. I think that does not usually happen, because in the case of many of the departments, when we asked for information, they gave it without a request for any bonus upon the knowledge conferred.

Mr. President, the question before this body is on the adoption of this conference report. When it comes to cutting off appropriations, there is one member of the Appropriations Committee who will go to the extreme limit. For anything that will not hamper the operations of the Government in the way of reducing appropriations there will be one vote in the committee, I am sure, and I am quite sure there will be others. The Senator from Utah [Mr. Smoot] is very prompt to respond in matters of that kind.

The Senator from Minnesota [Mr. Kellogg] says the war is over. I was laboring under that hallucination myself for some months, but that is a mistake. The war is not over. Two regiments have been recruited to full strength and sent to Silesia very recently to engage in Poland's struggles with Germany. The armistice of November 11, 1918, and the subsequent negotiations have not ended the war at all. Men are being recruited for the Army to send to Siberia and to northern Russia. All over the country, when we get out in the Provinces, away from the center of Government and all information on these questions, we find notices asking for recruits, either for domestic or foreign service; and at every place in the States where these recruiting stations are located men of military age go in and volunteer their services to go to Siberia or to any designated point, and they are interrogated on that question at the time of enlistment.

Mr. POINDEXTER. Mr. President—

Mr. SHERMAN. I yield to the Senator from Washington.

Mr. POINDEXTER. If the Senator will walk down Pennsylvania Avenue, he will notice near the Center Market a brown khaki tent, the quarters of a recruiting station. Right in front of it he will notice a poster stating that men are being recruited for various terms of service, and on the bottom of the poster, in large scarlet letters, is the word "Europe."

Mr. SHERMAN. Yes, sir; that is correct. From my own congressional district a lieutenant who has been home on a furlough was notified on Tuesday of this week to report to his superior officer for service in Poland. That is repeated all over the country. I have a great deal of correspondence on that subject, and I have no doubt the Military Affairs Committee has much more than I have in proportion; but the war is not over. When it will be over nobody knows. When the 104,000 Government employees will be out of the District of Columbia nobody knows. Grant that one-third of them are entirely superfluous in the service; they are not to blame. They might resign and go home. Possibly they are not worked up to the limit. Few of them are. I am quite certain that out of the 104,000 many could be dispensed with, but at present they are here. Advertisements are still seen all over the country asking persons to come to Washington to go into the Government service.

There is no cessation of that and has not been all along. The prospects of further war in Europe are increasing with every move our Government makes.

Now, with the 104,000 employees in the District of Columbia, and most of them within the limits of what we call the city of Washington, some extraordinary conditions have resulted surrounding them. The junior Senator from Utah [Mr. KING] made the inquiry upon what basis this bill rests, and I might just as well submit what I think about that now as at any time. The Senator from Nebraska [Mr. NORRIS] read from the bill itself. That, in part, explains the basis on which such legislation in the District rests, but there is a further foundation for the bill.

From time immemorial bakeries have been regulated, both in the sanitation of the bakery, in the size of the loaf, and in the conditions under which the loaf is delivered to the customer. For 300 or 350 years back these regulations are found in the legislation of the English-speaking race. The mills that reduce the edible grain to a form where it is fit for human food have been, for a like time immemorial, subject to regulation. The flour so milled goes into the loaf, and the two, both of them, are kindred subjects in the regulation.

Inns or taverns, as they were known in the early law, hotels, lodging houses, and apartments or apartment houses, of late years, fall within the same list. From a very ancient time inns or hotels have been regulated by Parliament and by the various State legislatures. That is well established. The different State authorities have litigated that fact; courts of last resort have decided it; and there is no well-considered case where the right of the State to regulate in such cases has been denied.

In addition to that, Mr. President, warehouses have been included. Before I leave inns or hotels let me say that it applies either to those that furnish lodging, to those that furnish either lodging or meals, or to those that furnish both. A hotel may be run upon various plans. An apartment house may be conducted on the plan of furnishing lodging and board, either or both, and they are in either case within the regulating provisions of the Congress or of the various State legislatures.

Warehouses have long been acknowledged to be within the regulating power of the States. To me it is a very singular thing that we can regulate the storage of a slaughtered steer in a cold-storage warehouse and that we can not regulate the lodging of a live human being. I do not think there is any respectable court in this country, State or Federal, that would not sustain the power to regulate the price charged in an apartment house or a rooming house. If we can regulate the storage of a dead animal I believe the power exists to regulate the lodging of a live human being. The police power is precisely the same.

For instance, in this District 104,000 employees of the Government are engaged in detailed Government work. Without the service of what appears to some to be the inconsequential, small employee of the Government, obtaining from \$1,500 to \$2,500 per annum, these departments could not operate. If the greater part of the 104,000 people in the somewhat or sometime humble employment of the Government were to leave Washington, the departmental operations could not be longer conducted. They are indispensable. Therefore, upon both grounds, whether it be upon the ground of the protection of these employees or upon the ancient common-law ground that we have the right, under the police power, to regulate lodging houses, inns, warehouses, railways, and other property impressed with a public use, the right is justified.

The bill declares in a subsequent section that property of the kind enumerated is impressed with a public interest, and that such public interest renders it subject to the police regulation of the Government. I will read from that section in a moment, as soon as I shall have found it.

Section 106 of the bill, set out on page 9, provides:

For the purposes of this title it is declared that all (a) rental property and (b) apartments and hotels are affected with a public interest, and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof, shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property, apartment, or hotel with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy.

That is one basis upon which the bill rests. It is as wide a basis as the regulation of the charges of public warehouses or any of the other occupations of property impressed with a public interest.

Then, aside from that, is the reason referred to by the Senator from Nebraska [Mr. NORRIS], that Congress possesses the power inherently to provide that the 104,000 Government employees in the District shall be cared for, that conditions shall

not prevail here that will make it impossible for the 104,000 employees to subsist, be lodged and permitted comfortably to live here while they are rendering the Government their service. When that 104,000 shall be reduced, if a third of them shall be cut off, if 35,000 of them be sent home, the commission then, finding conditions changed, can modify the provisions fixed under which property shall be rented. This continues for three years. It would cost only in the neighborhood of \$150,000 for the whole three years. That is, as expenditures go now, a comparatively small sum of money for the benefit received.

There is another feature of it that to me, Mr. President, is quite a lively indication that the war is not over. That is the pressure brought upon the members not only of the conference committee from landlords, tenants, and subtenants, but the continual pressure brought upon the Committee on the District of Columbia. The complaints are multitudinous. They are made literally by the hundreds. There is a vast deal of unjust charging, the larger part of which is in the subleasing of property. I think there is more abuse in that respect than there is in overcharging by the owner of the property or his agent in making the original leases. The purposes of this bill reach every sort of evil. It all depends upon the persons who are appointed. The Senator from Nebraska is strictly accurate in that. But three good commissioners, with the help that will be given by the assessor of the District, who is thoroughly familiar with the values of real estate, will be enabled, in each individual case, to work out what is just.

The Senator from Ohio [Mr. POMERENE], the former Senator from Delaware [Mr. SAULSBURY], myself, and others began this investigation more than two years ago last spring. No legislation resulted, owing to some unhappy differences that arose between the two Houses of Congress. But it is an old subject. The evil is apparent. The remedy is desired now fully as much as it was two years ago, if not more. Constant threats are made. My files are filled with letters on the subject and my offices have been filled with persons making complaints that their landlords have threatened to evict them because they took advantage of the Saulsbury Act. They assert that in the absence of the legislation provided in this bill they will not be allowed to remain in the property, even if they seek to remain on the same terms, with the same covenants in the leases, and paying the same rental. The landlords have notified them to move. I have in my possession a 30 days' notice, to take effect on the 30th day of November, to a tenant who has been occupying the property more than three years, paying the rents promptly in advance on the 1st day of each month, but who is notified now to vacate the property because the landlord wishes to rent it to somebody else. It is purely a capricious act of the landlord or it is malicious. It is one or the other. The property possibly ought to produce more rent, and if the rent commission, in its discretion, finds that there ought to be a 5 or a 10 per cent advance in the rent, they can so order. They are required by the terms of the bill, under those conditions, to give the existing tenant the priority of choice, so that he can pay the increased rent rather than be evicted. That is the practical suggestion in this bill—to preserve the rights of existing tenants, so that something like 50,000 or 60,000 people in Washington may not be set out upon the curbstone on the 1st day of November under these 30-day notices that have been served.

It is further the duty of the rent commission to defend its orders. It relieves the tenant from employing a lawyer and trying a lawsuit. If this were not done, the tenant in most instances would never try to assert his rights.

I have not the remotest doubt in my own mind about the validity of such legislation or fear that it will not be upheld by the courts. There are a few provisions in the bill, parts of sections, and possibly one provision limiting the powers of the court, that may not be sustained. Those are not essential, however, to the main merits of the bill, which would relieve this great number of tenants who are threatened with eviction. Taking it all together, there is enough to be enforced, enough that is valid, to furnish the remedy needed; enough that the courts, I think, will sustain. I think the conference report has improved the bill that came from the Committee on the District of Columbia, which attached the amendment, and on the whole the bill is a workable one.

In section 121 it is provided:

If any clause, sentence, paragraph, or part of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

These parts that may be of some doubtful validity are of the kind that can be stricken out of the section, or the whole section

can be stricken out without impairing the remainder of the bill as an entire act capable of application by the rent commission, and the sustaining of the balance of it by a court when it may be attacked. I am satisfied that either upon the war power of Congress, or upon the general police power of Congress exerted in the District of Columbia, the proposed measure is valid legislation.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

LEAGUE OF NATIONS.

Mr. FRELINGHUYSEN. Mr. President, I ask unanimous consent to have read a memorial addressed to my colleague and myself on the subject of the league of nations. It is signed by several thousand influential people in our State. I observe that it contains the names of the chief justice of the Supreme Court of New Jersey, a majority of the members of the three larger courts—the supreme court, the circuit court, and the court of errors and appeals—and that it contains names from all sections of the State of lawyers, bankers, merchants, manufacturers, and 150 employees from one large plant. I ask that the Secretary may read the memorial.

The VICE PRESIDENT. Does the Senator desire to have the names read?

Mr. FRELINGHUYSEN. No; let it be read without the names.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

Hon. JOSEPH S. FRELINGHUYSEN and Hon. WALTER E. EDGE,
United States Senate, Washington, D. C.

GENTLEMEN: We believe that a speedy, just, and practical treaty of peace could have and that such a treaty should have been formulated at Paris without the delay which attended the consideration of the league of nations covenant.

We believe that the Paris conference days, with their stress and hurry, were not a proper time for the consideration of any world-government scheme, and this is manifested by the character of the present league of nations covenant, which provides a system of machinery but not a code of international law, leaving world questions to be decided by votes and not by principles of justice and equity.

We believe that the duties and the obligations of the United States under the league of nations covenant of the proposed treaty are so indefinite as to imperil the future peace and prosperity of our country.

We believe that no matter what anyone may tell us the treaty does or does not do, the meaning of the treaty as expressed in its language and its implications should be patent to all men.

We believe that the circumstances under which American boys can be called upon to fight in foreign quarrels should be clearly stated.

We believe that no group of political units recognizing the same sovereignty should have any greater voting strength than the United States would have.

We believe that we, as a nation, should be free to settle our own internal matters, without any question whatever of our right to do so.

We believe that the United States should be the sole judge of its right to terminate its membership in the league.

Recognizing that an early adoption of the peace treaty is most advisable, but believing that it should not be adopted as it stands, we urge upon you, our representatives from New Jersey, to give your support and votes to such reservations and amendments as will preserve to our nation the full enjoyment of its complete sovereignty in all matters affecting its peace, its prosperity, and its happiness.

Respectfully submitted.

WILLIAM SHIPPEN,
President of the First National Bank of Hoboken, N. J.
(And others).

Mr. McCUMBER. Mr. President, one of the things that is charged in the statement, or resolution, or whatever you may call it, that has just been read is in reference to the voting strength of one particular power. I do not think there is any one subject on which the public is more grossly misinformed than upon the subject of the voting power of the several nations.

It is alleged and so understood generally by the country that the council or the assembly has the power to decide disputes between nations, and that in such decisions Great Britain would control 6 votes and the United States but 1, and more prejudice has been created against the league of nations because of this mistaken idea than by any other criticism urged against that instrument.

Mr. President, these claims are without any foundation whatever, because:

First. Neither the council nor the assembly is a board of arbitration.

Second. Neither of them decides international disputes at all.

Third. The only jurisdiction which either the council or the assembly can have over a dispute between nations is the right to investigate and report what the true facts are concerning the dispute and make recommendations in regard thereto.

Fourth. As neither Canada nor any other British dominion or possession has a separate membership in the council, of course neither could have a vote in the council.

Fifth. If the investigation of the facts concerning the dispute should be transferred to the assembly, then Canada, Australia, or other British dominion would still have no vote if either the British Empire or any one of its constituent parts was a party to the dispute, inasmuch as a dispute with a part is necessarily a dispute with the whole, and a dispute with the dominant nation is necessarily a dispute with all its parts.

Sixth. If the dispute were between nations entirely outside the British Empire, and the case were referred to the assembly, then these self-governing dominions mentioned could vote, not in settlement of the dispute but only on the question of what are the true facts concerning the dispute.

Seventh. Canada, Australia, New Zealand, and South Africa are self-governing nations, governed solely by their own separate Parliaments. And on these investigations of facts and recommendations, the only questions on which the representatives of these dominions could pass, their votes would in no way be subject to the control of Great Britain.

Mr. President, as that seems to be the one important criticism urged against the league of nations, I shall ask permission on Monday morning next, after the close of morning business, to address myself to that phase of the question.

TREATY OF PEACE WITH GERMANY.

Mr. BRANDEGEE. I move that the Senate proceed in open executive session to the consideration of the treaty of peace with Germany.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. THOMAS. Mr. President, the very extensive discussions of the treaty, both in and outside of the Senate Chamber, have developed a great many imperfections in that document, some of very great importance, some sufficiently so to require most careful consideration, and some of more or less trivial nature. One criticism to be made of these discussions is that in considering these defects as much emphasis is laid upon those which are unimportant as upon those which are of grave concern. Consequently we are prone to lose the sense of proportion which should attend the discussion of any proposition, and particularly of those concerning a most important treaty.

The Senator from North Dakota [Mr. McCUMBER], now occupying the chair, has just emphasized several propositions aimed at amendments Nos. 1 and 2, which I am sure will receive that careful consideration which all of the Senator's contributions to the subject of the treaty so fully merit.

I have never been able to perceive the strength of the arguments, although very plausible, upon which these amendments rest. They assume that in the distribution of representation in the league assembly, one of the great powers is given an undue and disproportionate advantage and that the menace to the other nations, and particularly to our own, is sufficiently apparent to justify the establishment of an equilibrium through an increase of the voting power of the United States, thereby giving us equality in the assembly and making it practically impossible that any disadvantage or injury should result to us because of the provisions of the treaty in that respect.

I think, Mr. President, that it is the fact that it is only one of the great nations of the world which possesses self-governing dominions or dependencies, and therefore only one of the nations of the world against which this objection can be urged, that has made the subject so prominent in our discussions.

England is the great colonizing nation of the world. She has extended her language, her peoples, and her institutions to many portions of the globe, and by the encouragement of the principles of self-government and self-reliance she has builded up great communities, nations in themselves and exercising practically all the attributes of nations, where other governments, lacking her wisdom and her institutions, have succeeded in colonizing either not at all or in a qualified degree.

Hence, in recognizing the right of self-governing dependencies to representation in the league of nations the only communities corresponding to that designation are those which profess allegiance to the British Crown, and the only great dependency not self-governing whose contributions to the cause of the Allies in this Great War is also to be under the same dominion.

It is perfectly natural that the United States, in considering the question of representation under this treaty, should inquire carefully into, and as far as may be guard against, the possible contingency of a preponderance of power in the assembly which might in the future prove embarrassing to our people. I may add in passing that the reservation offered upon this subject by the Senator from North Dakota [Mr. McCUMBER] appears to me to anticipate every contingency that the future may have in store and make provision against it.

The proposed amendments are to articles 3 and 15 as reported by the Committee on Foreign Relations. In order to clarify such comments as I may make upon them I will read them into the Record. They are identical in purpose, although they differ in phraseology. I read the first amendment, which is to article 3:

Provided, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire, which are also members of the league, the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league.

Mr. CURTIS. May I ask the Senator if he is reading now the amendment offered by the Senator from California [Mr. JOHNSON]?

Mr. THOMAS. Yes. They are numbered 1 and 2 in the report of the committee.

The second amendment is to article 15, which I will now read:

Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

These amendments, as was asserted by the Senator from California [Mr. JOHNSON] in the last speech that he made in the Chamber, are not designed to disfranchise any self-governing colony or dependency. On the contrary, they are intended to duplicate the votes which are given to them by the treaty in the assembly in the one instance and in the other to exclude them from participation in any dispute which concerns the empire itself.

My first comment upon the proposed amendments is that they do not accomplish the purpose which the author of them must have had in view. Let us assume, by way of illustration, that some proposition of importance should come before the assembly for consideration and, of course, that these amendments had been finally incorporated into the treaty.

I think it may be said with perfect safety that in such event, and practically in all events, the 6 votes of the United States would be cast en masse. It is barely possible there might be some differences of opinion among the members, but inasmuch as they constitute collectively the representation of the United States, he would be a courageous individual to dissent from the prevailing opinion, the governing vote, and array himself against his fellows.

On the other hand, the six delegates representing the British Empire and its dependencies are each appointed to represent the specific country whose credentials he holds. The delegate from Canada, for example, is primarily a delegate from that Dominion. The delegate from New Zealand is primarily the representative of that nationality, which is self-governing and therefore a member of the league of nations as a distinct political entity. The occasions when the 6 votes representing those dependencies of Great Britain would be cast en masse would, in my judgment, be comparatively few, because were the fact otherwise it would be necessary to presuppose an identity of interests which will seldom occur.

The domestic affairs of Canada are far more nearly identical with those of the United States than with those of Great Britain, and those of Australia and New Zealand are still more divergent. I can not speak with so much confidence regarding the conditions in South Africa, and I can conceive how India as a dependency might be more or less subject to the dominating influence of Great Britain and act in harmony with the delegate representing the British Empire. If, therefore, it be the purpose of these amendments to equalize voting power, they do not do it. They give to the United States a preponderance so distinct and so striking that inevitably the other great powers would, upon the adoption of these amendments, very naturally and very properly insist upon being given similar representation in the assembly; and I have no doubt that the smaller powers, actuated by the same impulse of political self-interest, would also feel entitled to demand an increase of representation. We would, therefore, have a measure not particularly protecting the United States but one begetting imitation clear down the line.

Let us suppose again, Mr. President, that a case under article 15, which amendment No. 2 is intended to reach, should arise—that is, a dispute referred to the assembly for consideration, between Great Britain and France or between Great Britain and Italy or any other country—this amendment, if crystallized into the treaty, will disfranchise, in that instance, the six votes representing Great Britain and her dependencies, but it will not disfranchise the six votes to be given to the United States; and in such a dispute the United States would have such a preponderant power and influence as might decide the question. Whether it

decides it wrongly or rightly is another proposition. What I am emphasizing is that the purpose sought to be subserved by this amendment is not accomplished, and that it merely transfers to the Government of the United States, as against Great Britain and other countries, that identical preponderance which is the subject of complaint and which it is desired to remove. So this remedy, instead of curing the alleged disease, will only serve to aggravate it, and aggravate it so extensively as to require either the recasting of the plan of representation or in the collapse of the entire scheme of the league.

I think, Mr. President, that I do not transgress the proprieties when I say—and my conclusion, of course, is based upon the public utterances of the distinguished gentleman—that it is not the purpose of the Senator from California [Mr. JOHNSON] to vote for the league, whatever the fate of his amendments. His objection to it is fundamental. Of course, I realize that he desires, with the remainder of us, to secure such amendments as he deems essential to the perfection of the scheme, but which will not prohibit his rejecting the treaty after the amendments shall have been made a part of it.

I desire in this connection, not as a part of the argument, but as a subject of historical interest, to remind the Senate of the fact that the representation given to her self-governing colonies was not moved by Great Britain. She was extremely reluctant to recognize the right, much less to grant it. She finally agreed because of the firm insistence of her dependencies, every one of which had contributed in men and material to the waging of the war; every one of which had lent its powerful aid to the suppression of Germany; every one of which, except India, had gone through the formality of a declaration of war; every one of which had earned its right to representation as an independent government, through its unsparing and continued sacrifice of blood and treasure in the common cause. The demand appealed to other members of the congress at Versailles, so that England finally withdrew her opposition, recognized the right of the colonies to representation, and consented to their inclusion as units of the congress.

Mr. President, I think the institutions of the United States so harmonize with those of Canada, of Australia, and of New Zealand that in all probability we and they will be found more frequently acting together than in opposition in the deliberations of the assembly to be created under the league. The principal difference between a Canadian and an American lies in the fact that the one pays tribute to the British Crown, while the other does not. The laws and institutions of Canada, Australia, and New Zealand, like our own, were borrowed from the mother country, transplanted to foreign soil, nurtured and protected by the citizenship of the Anglo-Saxon, and have borne the same rich harvest of freedom and prosperity.

The Australian and the Canadian soldier frequently declined "over there" to pay his tribute of salute to the British officer, but never to the American. The comradeship upon the field and in the camp was far more close and cordial between those troops and ours than between them and those of the British Government. That is no reflection upon the British soldiery; it merely indicates an unconscious reaction of mind to mind, of temperament to temperament, that common view of the world and of its institutions, that recognition of the common destiny of these people with our own, and that mutuality of purpose which springs from common laws and a common origin.

Mr. President, this view is emphasized by the recent utterance of a former premier of Australia, the Hon. Crawford Vaughan, who a few days ago, in referring to this subject in a public address, said:

The self-governing dominions are in some respects closer to America in understanding than are the British Isles. We owe more to the land of Washington than we can ever repay. We are faced with the same problems of development that America has successfully solved. The destiny of Australia and New Zealand in the Pacific are wrapped up with the destiny of the United States in that greatest of world oceans. Canada and the United States have dwelt in concord, side by side, for more than a century. For these reasons any closer coordination between America and the dominions would find the most cordial support in the dominions. The unity of the English-speaking peoples is, indeed, regarded by the citizens of the outlying parts of the British Commonwealth as vital to the peace of the world.

I have no doubt that Mr. Vaughan reflects the opinion of the everyday man in Australia, in Canada, in New Zealand, and possibly elsewhere. This is but one of many evidences which might be offered in support of the proposition for which I am contending. I therefore predict that if the league of nations shall become an established fact, its progress will be punctuated more frequently by cooperation between the United States, Canada, and Australia than by opposition between these great English-speaking countries.

Mr. CURTIS. Mr. President, would it disturb the Senator if I should ask him a question?

Mr. THOMAS. No, sir.

Mr. CURTIS. There are two questions involved in this amendment which have been giving me considerable trouble. The first one, I think, the Senator is covering now in reference to controversies with the colonies of Great Britain; but if the United States should become involved in a controversy with either of the colonies or dependencies and the matter were submitted to the council, Great Britain having a vote and we having none, it being necessary that there should be a unanimous vote, would not that give Great Britain the advantage?

Mr. THOMAS. Yes, Mr. President, I think it would; but that contingency is covered by the McCumber reservation, for which I shall vote.

Mr. CURTIS. I was going to ask the Senator if he was going to support a reservation which would cover that.

Mr. THOMAS. Yes; before I finish I shall try to discuss that reservation. Possibly it might be amplified a little, but it does meet a real contingency which the amendments, in my judgment, do not.

Mr. CURTIS. May I ask the Senator another question?

Mr. THOMAS. Certainly.

Mr. CURTIS. Suppose, for instance, that there should arise a dispute—and we all hope there will be no disputes between ourselves and our allies—between Great Britain and the United States, and Great Britain, believing the council to be friendly to the United States, should, upon motion, take the dispute to the assembly. In the assembly there must not only be a unanimous vote of the council, but there must be a majority vote of the assembly. Now, if the colonies with five votes should happen to be friendly to Great Britain, as it is reasonable to suppose they will be, would not that give Great Britain a decided advantage over the United States in the controversy?

Mr. THOMAS. Yes; in the assembly; but that also is covered by the McCumber reservation. Even there, however, Mr. President—

Mr. LENROOT. Mr. President, will the Senator yield that I may suggest a somewhat different case?

Mr. THOMAS. Yes.

Mr. LENROOT. Suppose the dispute was between the United States and some other member of the league—

Mr. THOMAS. I understood that to be the case put by the Senator from Kansas.

Mr. LENROOT. No; in the case put by him Great Britain was mentioned.

Mr. THOMAS. His first question was with reference to some other member of the league.

Mr. LENROOT. Suppose a dispute should arise between the United States and some other member of the league, and that Great Britain sympathized with the other member, and, fearing the council would be unanimously against us, we would take it to the assembly, where a majority can make the decision binding, the six votes of Great Britain would help constitute the majority making the decision, would they not?

Mr. THOMAS. It would constitute a part of the majority; but that also, if I properly comprehend the reservations which I have referred to, is amply provided for.

I was about to say, Mr. President, that even were the treaty to be ratified by the Senate in its present form and without reservations—of which, I take it, there is no probability—I am satisfied that the United States could depend quite as confidently upon the votes of Cuba, Haiti, Nicaragua, and Panama, and possibly of Brazil and Liberia, as the Senator from Ohio [Mr. POMERENE] suggests, as could Great Britain upon her five dependencies. Panama is a child of the United States. It never has been a legitimate child, in my estimation, but a child nevertheless. It is "an ill-favored thing, but our own." Cuba is our ward. But for the United States, there would be no independent Cuba. The Governments of Haiti and Nicaragua are sustained by the continued physical presence of United States marines. I do not mean to say that the United States Government would exercise any compelling force upon the representatives of these Governments; I should hope not; but there is unquestionably to-day greater dependency of these four Governments upon the United States than there is of New Zealand, Australia, Canada, and South Africa upon Great Britain. Therefore, so far as these amendments go, I can perceive how potently they could be utilized by some of the other great powers not blessed with such influence among the smaller nations for added representation in the assembly for their protection against us as well as against Great Britain; and we must always remember, Mr. President, that as we are keen to look after our interests here in the Senate in considering this treaty, so also are the other nations, each of which, in the discharge of its functions, will make the national interest their principal viewpoint, and consider with infinite care every condition and covenant of the treaty that is at all ambiguous before finally accepting it.

If I were disposed to criticize a formidable defect in the structure of the governmental body of the league, I would assail the principle of unanimity. My own view is that inasmuch as unanimity is required in the action of the council, the league will prove practically innocuous as to any matter of importance upon which the nations may differ; and it is very difficult to conceive of any interest liable to come before the council for determination about which the various nations represented in the council will be in harmony. We are abandoning, in this treaty, the old democratic doctrine of rule by majority. The Senator from Oklahoma [Mr. OWEN] a few days ago criticized the proposed constitutional amendment offered by the Senator from Connecticut [Mr. BRANDEGEE] because of its requirement, first, of a two-thirds to the proposal and afterwards of a three-fourths vote to the adoption of any amendment, and served warning upon the Senate that the Constitution, to be democratic, must be so changed that the vote of a majority would suffice to amend it. He spoke for the majority; yet the Senator swallows without blinking the principle of unanimity in the congress of nations. Every Senator within the sound of my voice is familiar with Polish history, and knows that the old Polish Nation collapsed because the Polish Diet could do nothing except it acted as a unit. Unanimity was impossible. The nation finally became like an engine on a dead center and drifted helplessly and hopelessly into collapse and ruin. But we have it here, and I think it is a complete protection as to all possible contingencies that may present themselves under the league, under which it can do little or nothing. I do not and can not approve of the insertion of that principle of action in a body that it is proposed shall hereafter influence, if indeed it does not dominate, the destinies of the world, but I offer no objection to it upon that score.

But, Mr. President, let me for a few moments concede the need for these amendments. Let me assume that they are absolutely essential to the improvement of this treaty and to the protection of American interests. I should like to ask the Committee on Foreign Relations why, then, they were limited to part 1? Why were they not made to comprehend the entire scheme of the league of nations, a part of which is numbered 13, where there is no requirement of unanimity where procedure by two-thirds and in one instance by two-thirds of 50 per cent of the membership being all that is necessary for action?

Mr. WATSON. Mr. President, will the Senator yield?

Mr. THOMAS. Yes.

Mr. WATSON. I have not in my hand a copy of the so-called McCumber reservation, but my recollection of that reservation is that it applies only to a controversy in which Great Britain or any of her colonies shall have a dispute with the United States, and does not apply where there are disputes between the United States and other countries. Am I right in that?

Mr. THOMAS. It applies to any dispute between Great Britain and another country, or any dispute between any of these colonies and another country. It covers both contingencies.

Mr. WATSON. Suppose we were to have a dispute, for instance, with Chile, as an illustration. We can not vote in the council; Chile is not represented in the council; but Great Britain could vote in the council. Suppose, then, that we give the notice required and appeal to the assembly. Now, Great Britain and her five colonies could all vote in the assembly, could they not?

Mr. THOMAS. Yes.

Mr. WATSON. And we could not vote at all?

Mr. THOMAS. No.

Mr. WATSON. Therefore, the McCumber reservation does not affect that situation, does it?

Mr. THOMAS. Perhaps not; but I think we would be as amply protected by our own dependencies to begin with, and I am quite as willing, so far as that phase of the question is concerned, to place my dependence upon them. It might not make a complete protection. I believe it would.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. THOMAS. I yield.

Mr. LENROOT. In a case such as the Senator from Indiana speaks of, where we have a dispute that we take to the assembly, our only reason for taking it to the assembly would be the fear that the council would come to a unanimous decision against us, I take it, and we would take it to the assembly in the hope that a majority of the assembly would decline to follow the findings of the council. In that case, would not the 5 votes of the colonies of Great Britain, sustaining the British Empire, represented on the council, prevent us from securing a majority against the decision of the council?

Mr. THOMAS. It might. Of course, that is entirely possible, although here again are the votes of Panama and the

others; but suppose that the controversy, instead of being between the United States and Chile, should be between France and Chile, how would these amendments then operate? We would have 6 votes, and would cast them as a unit, in all probability, because they collectively represent the United States. Great Britain has 6 votes, and may or may not cast them collectively in such a dispute. I can conceive such a condition quite as easily as the one suggested by my friend, the Senator from Wisconsin, where there is a possibility of danger, just as in the other there may be, and probably is, a greater possibility of danger; but I do not think the amendments, if they were enacted, as I have tried to explain, would meet the thought in the mind of their framer. They will fall short of it.

Mr. POMERENE. Mr. President, if I may make a suggestion—

Mr. THOMAS. I yield.

Mr. POMERENE. The Senator has just taken up the hypothetical case of a controversy between France and Chile. If the council were unanimously against France, and if a majority of the assembly, plus the council acting with the assembly, were against France, I suspect that in the judgment of the average man he would come to the conclusion that France was probably wrong. It seems to me that those who are taking the extreme position want to avoid not only any but every possibility of a decision against the United States, whether we are right or wrong.

Mr. THOMAS. Mr. President, I have no doubt that the party fearing the action of the council, and having reason to apprehend an adverse decision, would be the party to appeal to the assembly. Generally speaking, I think it is fair to assume that the ultimate action of either will be in accordance with the facts; but we can not be certain of it, because even eminent bodies like those are, after all, human and subject to the same infirmities and the same influences which govern some of us in a more humble sphere of life.

But let me come, Mr. President, to a consideration of the method of voting, and the possible consequences of its exercise as provided in certain articles of part 13, about which not only are these amendments silent, but concerning which not a single amendment or reservation was offered for the consideration of the Senate by the Committee on Foreign Relations. I do not assert that the voting power of Great Britain will be exercised collusively or improperly; far from it. I am merely assuming it as the proponents of these amendments assume it in supposititious controversies arising under the covenants of part 1.

I said the other day, and I have had no reason to change my mind, that of the two parts constituting the league of nations, part 13 is the more important. Let me refer by way of digression, lest I overlook it, to the commission of inquiry provided for in article 412 and following, which is to pass upon and decide complaints against member nations. It is to be composed of three members, but there is nothing in the phraseology of the articles which requires unanimity of action by that commission. The United States may be cited by a delegate to the conference to appear at Geneva and there answer his complaint that it has failed to effectively carry out some of the covenants recommended by the general conference and adopted by the United States. A commission of inquiry is impaneled, as the articles require, and as I construe it the vote of any two of the three is decisive. The principle of unanimity is not required at all, and I think it is an evidence of the superior wisdom of the committee which framed part 13. It seemed to act upon the practical view of things and to realize the impossibility of doing anything or getting anywhere through required unanimity of action. Hence the principle was rejected.

Now, I will take up two or three of the articles of part 13, with a view of demonstrating, if I can, how much more essential this amendment is to that part of the treaty than to the one at which it is aimed, if it be essential at all. Let me call attention first to article 389, on page 491, of the document. That article begins on page 490 and is devoted to the structure of the general conference, which is the legislative body of part 13 of the league. That is to be composed of four representatives of each of the members, of whom two shall be the Government delegates and the two others shall be delegates representing, respectively, the employers and the workpeople of each of the members.

That is to say, each Government has two, the workers have one, and the employers one. These are official delegates. But when we turn to the last sentence of the article we discover that the credentials of delegates and their advisers shall be subject to scrutiny by the conference, "which may, by two-thirds of the votes cast by the delegates present, refuse to

admit any delegate or adviser whom it deems not to have been nominated in accordance with this article."

That reminds me of the good old days of Democratic conventions in Denver, where the committee on credentials generally dictated the complexion and policy of the convention.

The President of the United States may send to us four names, nominees of the Government as delegates to the general conference at Geneva. The Senate confirms the nominations, and their commissions are issued. They go to Geneva and present those commissions, when some question concerning the character, conduct, religion, previous record, or other supposed disqualification is raised and the credentials go to the general body of the conference. If two-thirds shall sustain the objection, out goes the delegate or the adviser, or both, although the great seal of the United States is affixed to his credentials. The same may be true of the delegates of other countries—Great Britain, Japan, Italy, or France. The article gives to the conference a qualified veto upon the selection of its delegates, and that veto becomes effective whenever it is sustained by a vote of two-thirds of its membership.

Upon the basis of the present organization, which consists of 27 members, the total of delegates to the general conference will be 108, two-thirds of which, if my calculation is correct, are 72. The total of the delegates of Great Britain, her colonies and dependencies, is 24, or exactly one-third of the two-thirds, and if for any reason the delegates from Great Britain and her colonies are dissatisfied with a delegate from the United States, or the entire delegation, the influence which they can exercise through the control of one-third of the number required upon a vote to disqualify becomes at once apparent. That, however, seems to be satisfactory to the committee, at least, because, as I have stated and reiterate, no amendment or reservation of any kind, nature, or description has been reported here aimed at any provision of part 13.

Let me pass to article 393, which is devoted to the governing body and which is part of the permanent international labor organization. That consists of 24 members. On page 493 will be found the method of their selection. Twelve shall represent the Government, six selected by the delegates to the conference representing employers, six by the delegates to the conference representing the workers. Of the 12 persons representing the Government 8 shall be nominated by the members which are of chief industrial importance and 4 by the members selected for the purpose by Government delegates. This body also operates under the two-thirds rule. The total number of delegates to that body are 24. The total number of Government delegates are 12.

Of the eight which are to represent the nations of chief industrial importance we may assume that the principal allied and associated powers will constitute five. Some of the others may or may not be self-governing dependencies of Great Britain.

I think one or two of them could put in very strong claims for consideration as being of chief industrial importance. Belgium probably would have a delegate, one of the eight, under this arrangement, and it is possible that through the control of her delegation, including those from the colonies, to the general conference Great Britain might easily influence the selection of the remaining four and of some of the delegates representing labor and some representing employers, and by that means obtain control of this governing body, two-thirds of which are invested officially with all the powers possessed by the whole.

I am not contending, Mr. President, that this will be done—by no means. I am merely calling attention to possible contingencies, in order to emphasize the fact that they are more easily accomplished under that part of the treaty which is governed by a two-thirds majority in all things than under that part which requires unanimity in one body, when acting separately or when its powers are shared by the assembly.

Let me turn now to article 402, on page 497. It will be recalled, Mr. President, that the agenda or program to be considered by the general conference is fixed in advance by the governing body, and the subjects constituting that agenda are those only which can be considered and disposed of at the next conference. The article reads, in part:

Items to which such objection has been made—

That is, for the consideration of any item—

shall not, however, be excluded from the agenda, if at the conference a majority of two-thirds of the votes cast by the delegates present is in favor of considering them.

If the conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the delegates present that any subject shall be considered by the conference, that subject shall be included in the agenda for the following meeting.

That is to say, notwithstanding the action of the governing body fixing the agenda, notwithstanding its determination

might be based upon the conviction that an excluded subject was beyond the jurisdiction of the general conference, two-thirds of that conference may, nevertheless, vote in favor of including it in the next agenda, and it ipso facto becomes a part of the succeeding program.

Let me again say that the British delegation is not likely to so conduct itself. But we are dealing, because we must, with possibilities, finding justification under the powers granted by the covenant and, having established them, inquire what rule of consistency vindicates amendments to part 1 to cure defects and dangers far more evident under the articles of part 1 to which the amendments do not even remotely relate.

I have already called attention to the constitution of the conference, and the same criticisms apply here as well. Great Britain enters it, together with her colonies, with 24 members, or exactly one-third of the required two-thirds, as against 4 members representing the Government of the United States. Does anyone believe for a moment that a great body like a general world conference of labor will content itself at all times with the consideration merely of those things mapped out by its governing body? Would any conference representing any body of men be so restricted? The subject under consideration might concern the United States vitally, yet, notwithstanding its protest, Great Britain, with 24 votes as against its 4, might if so inclined be sufficiently strong to dictate the result, and by the sheer force of preponderant power inject a world question into the next agenda, fraught with the gravest and most far-reaching consequences to our domestic affairs.

Mr. KING. Will the Senator yield?

Mr. THOMAS. Certainly.

Mr. KING. Apropos of what the Senator is just stating, although it is perhaps not quite relevant or pertinent, the newspapers reported a few days ago that one of the prominent labor leaders of Great Britain stated that when the league of nations was in operation and part 13 of the treaty went into effect the negro question, which was agitating the American people considerably, would be settled, and that if the people of the South did not accord to the negroes the same rights that were accorded to white laborers, pay them the same wages, and accord them social equality, the matter would be taken up by this labor organization, and the rights of the colored laborers would be enforced through forbidding the shipment of cotton from the United States, and by the calling of strikes and the prevention of ships leaving the ports of our country. This, he said, as the newspaper reported it, would be one of the consequences of the organization that is provided for in part 13. Does the Senator think that the article contains such sinister potentialities as that?

Mr. THOMAS. Mr. President, I would be unwilling that the extreme assertions of some irresponsible fanatic or enthusiast should be made the basis of a conjecture as to what may or may not be implied under the provisions of article 13. I may say, however, that my view of the negro situation comes closer home; that unless we quit butchering one class of our people to make a hoodlum's holiday, unless we guarantee to every man the equal protection of the laws, we shall aggravate a serious condition, one which may find an attempted solution through other than agencies of an international character. Two Mexicans were lynched the other day in my State, the excuse being that the governor had paroled a convicted criminal some time before who happened to be of that nationality.

The difficulty with the exercise of such lawlessness lies in the impossibility of restraining it. It began as a punishment for a nameless crime. Since then it has been frequently applied, regardless of the nature of the crime, whenever the accused happened to have a black skin. I trust, Mr. President, that the American people are becoming more and more impressed with a realizing sense of the great truth that the Government can not afford to deny its laws and protection to the meanest citizen if it would preserve them for its highest representatives.

Let me proceed, however, with the discussion. Section 403, on page 499, relates to conference procedure. Its concluding clause is that—

Except as otherwise expressly provided in this part of the present treaty, all matters shall be decided by a simple majority of the votes cast by the delegates present.

There is your majority vote.

The voting is void unless the total number of votes cast is equal to half the number of the delegates attending the conference.

Fifty per cent of 108 is 54. Under this provision Great Britain and her colonies may control an actual and potential representation of 24, or 44½ per cent of the half. This, too, seems to have escaped attention, our difficulties and our problems be-

ing wholly confined to a consideration of the political as opposed to the economic side of the proposed league.

Article 412 deals with the commission of inquiry which is to try complaints which may be made by any member or by any delegate to the general conference against a member. One of the delegates from Hejaz—I believe Hejaz has been very frequently used here for illustration—can complain that our Government is not properly enforcing or regarding some of the covenants of the conference which it has adopted, and forthwith Uncle Sam is haled into court, must submit his cause to the determination of a commission of inquiry consisting of three, any two of whom may decide the controversy, and also provide what measures of economic character shall be taken to enforce the decree. This is subject only to an appeal to an international court not yet created, whose judgment shall be final.

The commission is selected by the secretary general of the league from a sort of panel. I read article 412:

The commission of inquiry shall be constituted in accordance with the following provisions:

Each of the members agrees to nominate, within six months of the date on which the present treaty comes into force, three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the members of the court of inquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the governing body, which may, by two-thirds of the votes cast by the representatives present, refuse to accept the nomination of any person whose qualifications do not, in its opinion, comply with the requirements of the present article.

Here, again, Mr. President, there is reserved to the governing body what may be called a challenge for cause to the panel from which the tribunal is to be selected to try these complaints against member nations. Here, again, the members of the panel bear commissions from all the Governments, from the United States by nomination and confirmation; here, again, is a committee on credentials with power to determine whether the persons composing the panel are fit or otherwise, whether their qualifications do or do not, "in their opinion"—not in fact, but in their opinion—comply with the requirements of the present article.

The total of that panel, if my figures are correct, would be 81, two-thirds of which are 54, of which Great Britain and her colonies supply 18, or a percentage of 33½. Here, again, the dominance of the arrangement, if it is a bad one, is dangerously great, provided there be unity of action among them. This, in my humble judgment, is one of the most far-reaching and extremely important of all the articles in the treaty, because it involves the trial of a sovereign power haled to Geneva, possibly, by an irresponsible member, or indeed by a single individual, then and there to show cause why the judgment of the court should not be pronounced against it.

Can it be possible that an objection to this preponderance, in a body consisting in part of members of a council which must act as a unit, is dangerous to America while it goes unchallenged when the check is only a two-thirds vote? Can it be possible that we perceive visions of national injury to us through the determination of disputes between nations, yet can see none in disputes in which a judgment economic in character, but a judgment nevertheless, may be enforced through the collective power of the boycott and the strike—for I feel very sure that whatever adverse decree may be pronounced by one of these commissions against any nation will have behind it and for its enforcement the collective power of international organization, which, in my judgment, is but another name for the collective power of international socialism?

This, however, seems to be unimportant, and all emphasis is laid upon the subject of representation in another part of the treaty, which, together with this part, collectively constitutes a proposed league of nations. It can not be that the Committee on Foreign Relations, composed of eminent Senators on both sides of the Chamber, some of them having long experience in foreign affairs, all of them supposedly familiar with the terms and conditions of the treaty, could have overlooked these contingencies when they framed and reported these amendments. It would be a reflection upon their intelligence and their industry to so suppose.

I leave it to the Senate and to the country whether the conditions to which I have called attention do not furnish the strongest of all reasons that can be urged here against the matter of representation if it be as faulty as Senators contend; for we must not lose sight of the fact that the league of nations, as provided for in this treaty, creates five different bodies, two of them, the council and the assembly, having jurisdiction over all matters of general national concern; three of them, the governing body, the conference, and the commission of inquiry, having

exclusive jurisdiction of what may be termed economic class questions or conditions, the representatives of a huge section of humanity, given separate and distinct consideration from the rest of mankind, exempt from the necessity of unanimous action, clothed with power to pass upon the credentials of their members, and having behind them the collective force of class organization.

Mr. WATSON. Mr. President—

The PRESIDING OFFICER (Mr. GRONNA in the chair). Does the Senator from Colorado yield to the Senator from Indiana?

Mr. THOMAS. Certainly.

Mr. WATSON. I agree entirely with the Senator in his description of the sinister character of this provision, and I am wondering whether or not he proposes to offer any reservation to that particular provision.

Mr. THOMAS. As before stated, I am not so impressed with the necessity for amendments or reservations relating to these possibilities of danger as I am with the fact that here much more than in part 1 is where the evil lies, if it is an evil. I may say, however, that I have been trying to frame some reservations to part 13. It is rather a difficult thing to do. I hope to be able to submit something, however imperfect, to the consideration of the Senate very soon.

Mr. MOSES. Mr. President—

Mr. THOMAS. I yield to the Senator from New Hampshire.

Mr. MOSES. I think, in justice to the Committee on Foreign Relations, I should inform the Senator from Colorado that this is a subject which was not omitted from the discussions of the committee.

Mr. THOMAS. I am very sure of that.

Mr. MOSES. If the Senator is at all familiar with conditions as they existed upon the two sides of the table in the committee room, he can well understand the difficulties which confronted the committee in reaching an agreement. I will say further that it was well understood in the committee room, certainly on one side of the table, that one member of the committee who had given notice of intention to offer in the committee amendments covering this part of the treaty—

Mr. THOMAS. The Senator from New Mexico [Mr. FALL].

Mr. MOSES. Later withdrew that notice and took no action in the committee room, but reserved the full right to offer his amendments and reservations on that subject upon the floor, and, as we understood, with every intention of so doing.

Mr. THOMAS. Mr. President, the Senator from New Hampshire has anticipated the current of my thought. I was just about to except the Senator from New Mexico [Mr. FALL] from my comment. He did introduce such a resolution before the committee, and who there withdrew it, for what reason I know not, and who is the only man that I can now recall, except myself, who has discussed on the floor the provisions of part 13.

Mr. MOSES. Mr. President—

Mr. THOMAS. I yield to the Senator from New Hampshire.

Mr. MOSES. Mr. President, the latter statement is entirely true; and I congratulate the Senator from Colorado upon his courage in having taken up this subject which so many men seem to try to avoid; but I can assure him that the Senator from New Mexico was by no means alone in the committee room in the opinions which he there expressed.

Mr. THOMAS. Well, Mr. President, that is gratifying. At the same time it increases my wonderment that some reference was not made in the committee's report to the serious features of part 13. There seems to be but one explanation of the circumstance.

I do not want to do injustice to anybody. The Senator from California [Mr. JOHNSON] is to-day touring the country with the most gratifying success, if the Associated Press dispatches can be believed—and I have no doubt that they are reliable—enthraling multitudes by the earnestness of his argument and the eloquence of his tongue. His discourses seem to be very largely pivoted upon these two amendments. So far as I am able to ascertain he has said not one word about the character of representation and voting power in part 13. There he might find his strongest argument, yet he avoids it altogether. I reflect upon nobody, yet I can not avoid the suspicion that these amendments are in the main political; that they were largely designed to capture the Irish vote without imperilling the labor vote.

They seem to me, Mr. President—I will not say insincere—but so incomplete and so strangely one-sided in their method of presentation, so tender of the vital clauses of part 13, and so completely in harmony with the demands of an active, organized antileague propaganda, as to make any other conclusion most uncertain.

My friends upon the other side are not alone in their appreciation of this influence. Yesterday morning the Washington

Post published a telegram giving an account of the proceedings of the Democratic convention of New Jersey, which, among other things, adopted a resolution "declaring that the league of nations covenant should not be approved without giving recognition to the Irish republic." That sounds like the Swede who said he was "agin the war unless it make Sven a colonel." This convention, whose leaders I have no doubt are familiar with the provisions of the treaty, makes no mention of part 13, but is unwilling to accept part 1 except upon the condition mentioned in the resolution. That it was adopted for the purpose of placating the vote of Irish-American citizens in New Jersey no one can doubt. To what a lofty plane is the treaty lifted when it enters a party convention.

I wish this treaty could be considered by everybody, inside and outside of the Senate Chamber, upon its merits and without regard to the future of political parties. I love the Democratic Party; I have been a humble member of it since my majority; I have fought many of its battles and it has honored me far beyond my deserts; but in a matter of this importance, presenting problems not only of a national but of an international character, affecting American institutions and American destiny, fraught with possible benefits and equally possible evils which we can not wholly conjecture, I am obliged to follow the dictates of my own judgment and my own conscience, regardless of consequences to myself, to the Democratic or any other political organization.

Mr. JONES of Washington obtained the floor.

Mr. WATSON. Will the Senator from Washington yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Indiana?

Mr. JONES of Washington. I yield.

Mr. WATSON. Under an agreement with the Senator from Nebraska [Mr. HITCHCOCK], I move that when the Senate adjourns to-day it adjourn to meet on Monday next at 12 o'clock.

The motion was agreed to.

Mr. KING. Mr. President, will the Senator from Washington yield to me for just a few words?

Mr. JONES of Washington. I yield to the Senator from Utah.

Mr. KING. Mr. President, the Senator from Colorado has just concluded a very important and illuminating address upon part 13 of the peace treaty. While he was discussing the matter I interrupted him for the purpose of propounding a question and directing his attention to a statement reported to have been made by one of the labor leaders of Great Britain. I fear that I was unfortunate in not making myself understood by the Senator; indeed, as I interpreted his reply, it indicated that my suggestion and question were not apprehended. I did not intend to convey the idea that our colored citizens should be discriminated against or denied economic and industrial equality. Indeed, I believe that all citizens, regardless of race or previous condition, should enjoy the full rights guaranteed by the laws and Constitution of our land. I deplore as much as does the Senator the manifestations of race prejudice in our country. The negroes are American citizens and they are entitled to the rights, privileges, and immunities of citizenship. The misdeeds of a few among them do not call for the condemnation of the race. There are millions of negroes who are law-abiding and by their lives and conduct reflect credit upon their race and contribute in many ways to the building up of the communities within which they reside. Unprovoked attacks unfortunately have been made by white people upon members of the colored race, and in many instances negroes have been wantonly and brutally murdered. Those who believe in law and order sincerely regret the recent tragic occurrence in the city of Omaha. A mob of white people in a cowardly and brutal way not only killed a colored man but made an equally brutal and cowardly attack upon the honored mayor of that city. It is to be hoped that the civil authorities of Nebraska will vigorously prosecute those who committed these offenses and bring them speedily to trial and punishment.

The point, however, which I attempted to direct the attention of the Senator from Colorado to did not relate to the civil and political, or indeed the industrial or economic, rights of the colored population of our country. I had in mind, when I propounded the question, the statement attributed to the British labor leader, that when the peace treaty was signed and part 13 thereof, which relates to the organization of labor, went into operation, the organizations created or provided for under this part of the treaty would have such power and authority as to require and enforce equality among the races living in the United States, and determine the wages which should be paid not only the white people but the colored part of our population, and that if the international organizations were not satisfied with the treatment accorded to the negroes or the wages paid to them they would prohibit the exportation from

the United States of cotton and other products, and to accomplish that end would prohibit vessels from carrying any such articles. As I understood the position of this representative of labor, it was that the treaty created a powerful international organization which would fix and regulate the hours of work in all countries who were members of the league, and would also regulate the wages to be paid, adopt steps to prevent unemployment, establish provisions that would provide, according to their views, an adequate living wage; direct the industries in the various States; establish provisions for insurance and old-age pensions; and that such organizations would have full authority to provide punishment for those States and nations who failed to respond to the orders and decisions of such international organizations. I inquired of the Senator from Colorado whether in his view the provisions of part 13 of the treaty were susceptible of the interpretation given to them in the reported statement of this labor leader. I inquired of the Senator whether in his view this provision of the treaty possessed "such sinister potentialities."

Mr. POMERENE. Mr. President—

Mr. KING. I yield.

Mr. POMERENE. The Senator from Utah does not mean to have it inferred that he indorses the views of that labor leader in his construction of part 13?

Mr. KING. I will frankly say that I am not absolutely certain as to the power conferred upon the tribunals and organizations provided for in part 13 of the treaty. I regard it as one of the most, if not the most, important part of the treaty. I have been able to reconcile myself to other provisions of the treaty, many of which I do not like and many of which I think are very objectionable, and shall vote for those provisions; but part 13 of the treaty has been the subject of considerable concern to me. If it is to be interpreted, or can reasonably be interpreted, in the manner indicated by the labor leader to whom I have referred, I should regard it as a very serious menace to the liberties of the American people. I have given considerable attention to the treaty, but have not perhaps with sufficient care analyzed all of the provisions of part 13. While I am not satisfied with many of the provisions of the treaty, and while I regard some provisions as very objectionable, I have been able to reach the conclusion that under all the circumstances it would be best for our country and for the world for our Nation to approve it. However, if part 13 of the treaty does create an imperium in imperio and an international organization that may superimpose its will upon all nations within the league with respect to the questions of labor and all cognate matters, then I should not feel like voting for its ratification. I would not support a treaty that created a supergovernment, either of a political or of an industrial and economic character. If an international government were created possessing political powers which were destructive of the rights and sovereignties of this Republic. I would not support the proposition; and if an economic organization were created with authority to control the economic and industrial life of this and other nations, I should attempt to defeat the exercise of its authority. The internal affairs of this Republic must not be interfered with. No supernational should be created with authority to control the economic or industrial affairs of this Nation or interfere in any way with its national and internal affairs.

The welfare of the inhabitants of all the world is an object of solicitude upon the part of all right-minded people. All students of sociology feel that the rights of the masses have not been sufficiently considered in the past. The laboring man has too often been denied the fruits of his toil, and proper protection has not been accorded to him by the governing forces of the world. With the overthrow of autocracy, with the departure of absolutism in the world, the side of humanity must rise. Men everywhere are beginning to realize that labor must be considered in any program providing for the future activities of nations. Archaic conditions must pass away and injustices to which the laboring men have been subjected must cease, and a spirit of fraternity and cooperation must prevail among all elements of the social structure. The American people are intensely interested in all labor problems, and there is a sincere desire to bring about peaceful and harmonious relations between capital and labor. Legislation calculated to ameliorate conditions of the working man is being enacted in the various States, and Congress has passed laws relating to labor problems within the sphere of its authority. It is quite likely that international conferences and international organizations for the purpose of promoting the interests of those who toil will result in great benefit to labor. There is no question but what the conscience of the people should be quickened so that there will be a more hearty response in behalf of needed legislation essential for the laborer's welfare.

Organizations which seek the welfare of labor in this and other lands should be welcomed by all classes; but as there would be objection to a supergovernment—an international government—possessing political authority and control over States and nations, so there would be objection to an international labor organization or government that would have the power and authority to go into the various nations and States of the world and interfere with their domestic affairs.

I know that there are some representatives of labor who believe that the treaty now before us does provide an international labor organization possessing power to go into the various nations who are signatories of the league and fix wages, hours, and conditions of labor, make provision for insurance and pensions for laboring men and women, and call and order international strikes and blockades for the purpose of enforcing orders and decisions with respect to all labor questions and conditions coming under their cognizance. Of course, if the treaty created an organization of such authority and power, the duty of the Senate would be very clear. Any treaty conferring such power upon an international organization should be defeated. The Senator from Colorado has heretofore challenged attention to the importance of the provisions of the treaty dealing with labor, and his remarks to-day should have the effect of causing a reexamination of part 13 of the treaty. I feel sure that it was not the intention of the representatives at the peace conference to create an international organization with plenary power to deal with labor in the nations within the league, and I am inclined to think that the treaty will not bear the interpretation placed upon it by some of the radicals in this and in other lands.

Mr. JONES of Washington. Mr. President, two years ago the term "willful men," applied by the President to a few United States Senators who, in the discharge of their patriotic duty, did not do what he asked, consigned them to the gibbet of public opinion, and all but convicted them of high treason. Passing events have fully justified their position. Their number has multiplied manifold, and to-day the terms "pygmy," "Bolshevik," "lovers of war," "haters of truth," "ignorant fumbler of English," "blind, perverted fools," "deserving of hanging on the highest gibbet," "contemptible quitters," "jaundiced-eyed zealots," "pro-German," "disloyal," "dishonest," "cowards," "traitors," "unpatriotic," and "un-American" arouse only distrust and derision. Such language sustains no great cause nor does credit to any great man. It may bring a cheer from the thoughtless crowd, but it shocks and repels the just and thoughtful citizen.

The President presents a treaty to the Senate and tells us to consent to it without the dotting of an "i" or the crossing of a "t." When we hesitate he threatens us with the wrath of the people. When we do not act as promptly as he thinks we should he takes the platform and urges, if he does not order, the people to coerce us into doing what our judgment and patriotism tells us not to do. He assumes that when he speaks and acts wisdom is exhausted and further effort useless. He is due for a rude awakening. The people are willing to concede that he is a learned man, that he is a wise man, that he is a great man, but they are beginning to resent the assumption that he knows every thing, past, present, and future, that he is the sole interpreter of their will and that his judgments should be accepted by all without question. An old hard-headed farmer expressed the sentiment of the ordinary citizen a few days ago when he said to me: "By gum, does the President think he knows it all? He'll find out he don't, and that the people won't accept his orders and ask their Representatives to do what he tells them to do regardless of their judgment as to what should be done." Another average citizen and an old soldier writes to me as follows: "I tell you, Senator, there are a lot of us common people who believe that all the brainy men of the Senate, with years and years of experience in State and National affairs, must know more than one man of less experience, even if he is pretty smart." And another man who served across the sea writes me as follows:

Many people opposing the President's speeches are not necessarily against a league of nations. They resent, however, the autocratic method of forcing his own particular league down their throats whether they want it or not.

The open attempt of the President to coerce the Senate to act contrary to its patriotic judgment is fraught with great danger to the Republic. It embodies the spirit of the mob and justifies lawlessness.

While speaking for democracy and urging that the world be made safe for democracy, he practiced an autocracy that is hardly parallel in the annals of history. He named himself peace commissioner and, contrary to all his country's traditions, went to Europe to make peace. His associates were mere dum-

mies. They acted as he ordered. His judgment was theirs whether they approved it or not. They come back confessing their ignorance and proclaiming their servility. The war was won. Germany was conquered. Our brave boys had done their work well. They were anxious to get home. Everybody wanted peace terms imposed upon Germany promptly. No negotiations were needed. The victors were expected to make their terms. Germany would have to accept them. Peace would come, and the nations would seek to recover from the awful thing they had passed through. The President would not have it so. A league of nations must be formed. A covenant must be drawn up. Everything must wait on this. All the world's differences must be adjusted. He had his way. Peace was delayed. When the covenant was drawn up opposition to it developed. To defeat this opposition he announced in New York that he would so entwine the covenant for a league of nations with the treaty with Germany that they could not be separated. Both would have to be accepted or both rejected. It was a "your money or your life" proposition. He would use business chaos, industrial uncertainty, and the desire for peace and the return of our boys as a club to force the adoption of this covenant. This attitude was unworthy of him and of a great man. It should be resented by every loyal citizen. It was a direct assault upon the fundamentals of our Government and a display of egoism unworthy of any man, much less one in his position. This very thing became his undoing. It threatens to defeat the covenant now, and it enabled other nations to secure his consent to their covetous desires, the violation of his lofty ideals, and left him but a shadow of his idealistic dream. Japan robbed China and forced the President to approve it to get his league. The "freedom of the seas" was abandoned, and England was left undisputed "mistress" of the seas to get his league. He was compelled, so far as he could, to pledge the riches and blood of this land to protect France against attack by Germany in this and succeeding generations to get his league. When these things were done, these and other nations were willing to enter into the league, hoping still further to get of our blood to police Europe and of our treasure to pay their debts and relieve them of their war expenses.

Thus the covenant was entwined in the treaty. The President brought it home. He had gone as far as he could. It could not be ratified without the advice and consent of the Senate. He grudgingly submitted it. He did not want to give the facts about it. Information sought by the committee was withheld as long as possible or not given at all. Some has not been given to this day. The Senate was, in effect, told to ratify the treaty as it was, under threat of his displeasure. When it proceeded to discharge its patriotic duty in a deliberative way under the Constitution, he threatened it with the wrath of the people and finally started upon his trip through the country to coerce it to do his will, regardless of the merits or demerits of the covenant. He has threatened, cajoled, and denounced. Scarecrows have been held up to frighten the people to action. Dangers have been laughed at until one could well wonder what the league can amount to, anyway. At one place it is a mighty force to prevent war, and at another it is an impotent debating society. The President meets himself in every argument as he goes from place to place and speaks upon different phases of the covenant.

In spite of all this, I do not question the President's sincerity, impeach his integrity, or question his loyalty and Americanism. There are three facts in his life, however, that make one hesitate to follow him. These facts will furnish a most interesting psychological study in the future. He always says what the occasion seems to demand to attain his end. He can be quoted by the most confirmed reactionary or the most extreme radical to sustain any position upon any important question from the days of Washington to the present. And he has strangely been wholly consistent in acceding to the demands of the British Empire since he became President, from the Panama Canal tolls to the "freedom of the seas" and the open admission of the superlative supremacy of British citizenship and sovereignty. His action in attempting to coerce a coordinate legislative branch of the Government to do his will regardless of its own judgment and conviction of duty is a more dangerous assault upon democracy and the integrity of this Republic than any armed attack could be. I regret to say it, but it is a fact that the President, by word and deed, has done more to undermine orderly, peaceful representative government than any other human agency. The time has come for our people and this Nation to get back to the orderly principles of government and the principles upon which the Republic rests. We can not do it so long as the acts and words of those in highest positions can be used to justify those who seek to overturn law, order, and liberty.

When we voted to enter this war we voted as Americans and not as partisans. Our politics were laid aside. We have had none in the conduct of the war. Every measure deemed necessary for its successful prosecution has had our earnest support. Mistakes have been made. They were inevitable. I have no criticism at this time to offer. Republicans sought only the Nation's good. They saw politics attempted by the administration in almost every measure and upon all occasions. They knew their counsel was not sought, but their votes were always given for their country's welfare.

As we entered the war as patriots, we should come out of it as Americans. Partisanship and personal bias should have no place in the consideration of this treaty. It is a broad American question, and should be passed upon in a purely American spirit and with an intense devotion to American welfare and American ideals regardless of party consequences. This is the spirit in which I have tried to consider it. This is the spirit in which I am going to vote on it. No party has a monopoly of patriotism or Americanism. Senators on the other side of the aisle are just as patriotic and just as loyal to American interests and American ideals as Senators on this side of the aisle, and it will be a sad day for the Republic when we divide along party lines on what is and what is not Americanism in our dealings with foreign countries. No matter what my personal feeling toward the President may be; no matter how strongly I may condemn the methods he has pursued; no matter how unwisely I think he may have acted; no matter how unjustifiable I consider his course now; no matter what epithets he may indulge in, I have tried and shall try not to allow these things to influence me in determining my duty at this hour. This treaty is the act of this Government, so far as he can make it so. It should not be rejected except for the most weighty reasons. The time has come for me to do my duty. The Constitution of the United States, which I have sworn to uphold and which I love and revere, makes it my duty to pass upon this treaty as one of the representatives of the people. My responsibility is to them and not to the President. I am here to represent them and not him. He says he reports to the people. So do I. I am as sensible of my obligation to them as he, and I am prepared to account to them fully for whatever I may do here.

In studying this treaty I have sought to find reasons to justify my supporting it rather than to sustain a vote against it. I know a tremendous task confronted the President. I would not seek to minimize it in the least. With his desire to promote world peace and avoid war I am in hearty accord, as is every man who loves humanity. That he sought the peace and welfare of the United States I do not question; that he placed the United States first and above all else I have my doubts. He tells the people now that there is a cause that is greater than the Senate. That may be true. He says there is a cause greater than the Government itself, and for that he is ready to die. I have been taught that above everything, above property, above life, above loved ones, above home, above all, is my country. When I was but a boy my dear old mother took me in front of a picture of a bearded man in a uniform of blue and said to me, "My son, that is your father, who left all and gave his life to save his country. Be true to his memory." That principle has actuated me all my life. I have never knowingly departed from it. What he died to save is good enough for me and has my highest allegiance, and in serving my country I believe I am best serving humanity.

The main controversy about this treaty is over the covenant for a league of nations. It should not be in the treaty. Months ago the treaty with Germany should have been made and ratified. Rehabilitation here and in Europe should have been under way. Who is to blame for the delay? No one but the President. He and he alone insisted upon the two things being put together. He did it deliberately to force the adoption of the covenant and now this is used as an argument for speedy action.

The President says we must take it as it is, without the dotting of an "i" or the crossing of a "t," or it will fall and the world's heart be broken, and all sorts of direful calamities will fall upon us, including famine, pestilence, business ruin, strikes, and anarchy. He says, "You must take what I offer you or there shall be nothing." That is the word of an autocrat, not of a democrat, there is the spirit of tyranny, not liberty.

The covenant will not be rejected. It will be ratified, but it will be so ratified that the vital interests of the United States will be protected and its independence and sovereignty preserved; and in so doing the world's peace and progress will be promoted even if the President's vanity shall suffer a shock. We will not be scared from doing our duty by bogies nor led into national pitfalls by fairies. We will keep what is good

of this covenant and throw away a part, at least, of what is bad. When we consent to it with such changes as we think best for our country's good, it will rest with the President whether the concurrence of other countries shall be sought. He can refuse or not, as he sees fit. If the world's heart is broken, he will break it. If the world's hope of peace shall die, he will kill it. Will he dare to do it; and if so, why?

We have a written Constitution. Other nations have not. Our powers are limited; theirs are not. The provisions of this covenant should be and must be construed in the light of this difference. If our agents have not protected the interests of our people, this body should do it. We should make it plain that we are not and can not be bound to do that which our Constitution says we can not do. We should not make the Constitution a cloak to shun duty or responsibility; but we must remember that it was adopted by the people for their own safety. Its limitations were imposed by them upon their representatives. There is a growing disregard for the Constitution that ought to be stopped. This is not confined to men of low degree. Men in high station spurn its restraints and limitations. If it stands in the way of what we want or what we think ought to be done, we say, "Away with it." Some time ago I received a letter from a minister of the gospel whom, of all men, should urge obedience and respect for law. He urged the ratification of this covenant as it was. I suggested that some serious constitutional objections had been made to it, and that I proposed to give them careful study. He wrote back suggesting that the Constitution is a very convenient excuse for opposition to the league, but, if the Constitution stands in the way, the Constitution must go. That is treason to this Republic and means the overthrow of orderly government. It would be a sad outcome of this war if one of its results should be the uprooting of the Government of the most perfect and efficient Republic of the world's history and the highest expression of democracy. That must not be.

As I said before, with the high and lofty purpose of this covenant every American is in hearty accord. The prevention of war and the maintenance of peace is the hope of the world. The empty sleeves and lost limbs, the sightless eyes and disfigured faces, the weakened bodies and bent forms of the best and bravest of the land, the bereaved mothers and wives and sorrowing homes, the mute headstones of the battle fields of Europe—all plead the horrors of war, and the burden of taxes through the ages will tell of its waste. Not everything labeled "peace," however, means peace. Human nature is the same to-day that it was a thousand years ago, and in any proposal for peace there may be the germ of war. The good should be kept, the bad thrown away. There is wisdom, too, in counsel. No man or set of men should assume to have all the wisdom of the world in themselves, and while the President of the United States is entitled to every consideration by virtue of his great ability and the high office which he holds, yet he does not combine within himself all the knowledge and wisdom of mankind, and his mere dictum that this treaty, without change, is the world's best hope is not all convincing.

Let us look at some of the terms and provisions of this covenant and the suggestions made to meet objections to them.

The British Empire has six votes and this Republic one. If there is one principle recognized as fundamental by all nations in their dealings with each other, it is that each nation is the equal of every other nation in its independence and as a sovereign entity, no matter how small its domain nor how great its power. All free and independent nations act and deal with each other as equals. This is essential to peace and harmony and has always been so until now. It is the great safeguard of small nations. This covenant destroys this principle of equality. It takes one nation and sets it apart by itself as a superior sovereignty, leaving all others upon the humble plane of equality. We have heretofore laughed or sneered at the bullying air of the Britisher, but we can not do it any more. We confess his superiority. We agree that Haiti and Hejaz are our equals, but confess that we are inferior to the British Empire. For the purposes of this covenant, the British Empire is recognized as six sovereignties, while this great Republic is but one. The British Empire is a perpetual member of the council and can prevent any action on any important matter by its one vote there. The British Empire is represented in the assembly by one vote, and it also has five other representatives, each one of which can block action upon almost any important matter. This is bound to give rise to charges of bad faith and double-dealing. It will lead to trouble, disputes, and to war. I would welcome Canada as an equal among the nations of the world, but until she is such let her take her proper place as a part of the British Empire and not have the power of an independent sovereignty in addition to her power and prestige as a part of

the British Empire. Let the British Empire be not six but one sovereignty no greater than Hejaz, no less than the United States. This is fundamental in national dealings, and I shall never confess by my vote that this Nation is inferior to the British Empire in sovereignty. I will not justify the sneering claim in foreign lands, "An Englishman is superior to the American, and the American admits it."

Many peoples and nations are impressed by show, pomp, and claims of superiority. What a sorry showing we will make in the march of the world confessing to all our inferiority. An American may not be any better than the Arab of Hejaz, but he is the equal of any Englishman that ever trod the earth. If I confess otherwise I feel that I am unworthy to represent that citizenship. We have millions of naturalized citizens who are loyal patriotic Americans and believe their acquired citizenship to be the best on earth. What will they say, how will they feel, when they go to their old home and boast of their citizenship to have it pointed out to them that their own Government admits that they are inferior to the British? If there is anything in this covenant more insidiously dangerous than this invidious provision I do not know what it is. It makes intrigue and double-dealing easy and probable and will inevitably lead to disputes, charges of bad faith, and probably worse. If we have a dispute with the British Empire of course it will be transferred to the assembly under the covenant. We and the British Empire will stand aside but the five votes of Britain's parts will be cast against us. How can that be justified? In fact, in any dispute between the British Empire and any country such dispute will go to the assembly and the two disputants will have to stand aside, but still there will be five votes representing parts of the British Empire to vote on such dispute.

The President says this six-vote power of the British Empire is unimportant, but what are the facts? And I want to emphasize these facts. Every dispute between members of the league can be transferred to the assembly by either party to it. The action of the assembly is determined by a majority vote, excluding the disputants and including the concurrence of all the other members of the council represented in the assembly. In every dispute between other countries the British Empire and its parts have six votes and we have one. The possibilities of such power are many and great. In every dispute between the British Empire and any country other than ours the British Empire, through its parts, will have five votes. The other disputant will have none and we will have one. In any dispute between the British Empire and our country her parts would have five votes and we would have none. Is there any unbiased mind that can not see the substantial advantage to the British Empire of these six votes, and her superior importance in the eyes of all the other members of the league, and especially the small States?

I understand that a reservation has been prepared which will meet that phase of the situation. Mr. President, I do not know what may be the fate of that reservation, but I propose to vote at the first opportunity I have to do away, so far as I can, with this inferiority. If this amendment is not adopted, then, of course, I shall vote for the reservation. But, Mr. President, I do not see how any reservation can be prepared that will meet what, to my mind, is the fundamental feature of this discrimination—that is, the recognition of the superior sovereignty and superiority of the citizenship of the British Empire as compared with our own.

How does the President further answer this? He points to some fine Canadian fellows across the street and says, "Don't you think those fine fellows should be allowed a vote when we allow Panama and Cuba a vote?" Of course there is a loud shout of approval. But when the people go home and think about it they begin to feel "sheepish," as we say. The British Empire has one vote the same as Panama or the same as we. Canada is a part of the British Empire and so is represented by that vote. Why should they be given another vote and the Californian not? I am not concerned especially that the Canadian is made superior to the Panamanian, but I would like to have it explained why he is made superior to the American. I would like to vote to reduce the British Empire to our level. The President has made it so that this is about impossible, and so I am going to vote to place this Nation on an equality with the highest. Our soldier boys did not fight and suffer in Europe to elevate British citizenship and debase Americanism. Others may vote this way and look them in the face and tell them they are the bravest soldiers and the finest citizens in the world, but I will not.

A vote for the covenant as it is, is to say officially that British citizenship and British sovereignty are superior to American citizenship and American sovereignty. That I will not do.

Mr. President, I listened with much interest to the splendid and able address of the Senator from Colorado [Mr. THOMAS]. He has pointed out provisions in this treaty and compact which, construed in connection with the superior voting power of the British Empire, should have the most careful and the most earnest consideration of the Senate; and I think it will have before the treaty is finally acted upon.

No one claims that this is a perpetual league, even if it is hoped that it may be. It is not sought to create a new nation. The right of withdrawal is recognized. This is as it should be. No nation should be kept in if it is dissatisfied and wants to get out. To attempt to do so would mean trouble and war. There should be no uncertainty about this or how it is to be done. The right of withdrawal is expressly provided for upon two years' notice, but it does not stop with such a simple, plain declaration, but says:

Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.

Who is to determine whether a nation has fulfilled its obligations or not? Must that be left to the council? If so, would one objection prevent a decision and thereby keep a nation in the league indefinitely against its will? Would we stay in a league if we wanted to get out? Surely not. Do we want others to decide for us when or how we shall get out? I think not. No one need fear that we will not comply with our obligations. We will do it just as surely out of the league as we will in it. Each nation should be the sole judge of when it shall withdraw, and if it withdraws from the league it should be held to its obligations in the same way as nations are usually held to their obligations. This should be made clear to avoid disputes. This will prevent war, promote peace, and bring joy to the heart of the world.

The Senator from Delaware [Mr. WOLCOTT] the other day eloquently, forcefully, and strongly claimed that the compact means that each nation is the sole judge of its right to withdraw, that it meant this when it was originally presented, that it means it now, with the limitation that we can not go out except upon two years' notice. There are others, however, who contend that it does not appear plain that each nation is the sole judge as to when it shall withdraw. I am in favor of making it plain, not leaving it to a matter of construction by men in the future, who may look at these things differently from the Senator from Delaware, and who will look solely to the compact and the resolution of ratification to determine its meaning.

The American people prize the Monroe doctrine. They believe in it. They consider it essential to peace and feel that it has done much for their safety and for the safety of the Western Hemisphere. They will not consent to its impairment, and they insist that this covenant shall clearly and fully recognize it. The covenant says:

Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

I think this language does recognize the Monroe doctrine. Whether it is to be classed as a regional understanding or not, it is expressly recognized by name. Able, patriotic men, men of greater knowledge than I in international matters, have doubts about this. There should be no uncertainty upon a matter of such tremendous importance. Our understanding of it should be declared, so that all may know our position, and so that the men of the future may know it. This is certain. What the Monroe doctrine is is not defined. It was, no doubt, wise not to attempt to define it, but the United States should be expressly recognized as the sole judge of what the Monroe doctrine is. If a dispute should arise under the covenant, as it now is, as to its meaning, that dispute would go to the council, to arbitration, or to the assembly, and thus the whole Monroe doctrine be brought into question and rest upon the determination of other nations. This we will not permit. We should be the sole judge as to what the Monroe doctrine is. It is peculiarly our doctrine. We have announced it, we have made it, we enlarge it as occasion demands. We are the sole judges of its application. It is really a domestic policy declared, maintained, and followed for our own peace, safety, and protection. While it may not be a regional understanding, it is regional in its application. Our people cherish it as vital to their own defense and to the preservation of the Western Hemisphere from external aggression. They will not give it up; they will allow no one else to interpret it, and this should be made plain to all nations in any covenant we enter. Not only should it be recognized by name, but our right to interpret it and declare what it is should be clearly recognized. To do so is to promote peace, keep us out of war, and give added assurance to the mothers of

the land that their boys will not be taken from peaceful homes to the battle front, either here or across the sea. To leave our position uncertain or doubtful in this respect is to increase the danger of disputes and war, with all that it means in broken hearts, desolated homes, and bloody battle fields. Common sense, human nature, and experience surely teach this. I shall vote for a reservation declaring clearly our position on this important question.

Some urge that the covenant brings domestic questions in one way or another within the jurisdiction of the league. The first draft, I thought, left this in doubt. This one, to my mind, does not. It now expressly provides:

If the dispute between the parties is claimed by one of them, and is found by the council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report and shall make no recommendation as to its settlement.

There are those, however, who, construing the covenant as a whole, do think that domestic questions may be made subject to the decision of the league. They are wise men, learned men, patriotic men. They may be right. I may be wrong. Why not make it so plain that there can be no doubt? What are domestic questions and how they shall be dealt with ought to be and must be determined by each nation for itself. Our people are not willing that any other nation or group of nations should tell us how we shall deal with immigration, tariff, education, naturalization, and other kindred questions. If they seek to do so there will be trouble. Is not it better for us, better for the world, and better for peace to leave nothing in this regard to uncertainty, nothing to construction, nothing to mere unexpressed or unrecorded understanding? I think so.

Article 10 is viciously attacked as subversive of our liberty of action, as requiring us to make war upon the command of other nations, and as compelling us to send our boys to fight on foreign soil in controversies in which we have no concern, and as depriving Congress of its power and discretion under the Constitution to make or not make war, as the occasion arises. Those who support article 10 do not advocate anything of this kind, but deny that it has any such meaning. Why not say so, then, beyond any controversy? If this is the crux of the whole covenant, as the President has so often stated, why not make its meaning plain if it can be done? Can we afford to deal lightly with any provision of such tremendous import? I can not grasp the motive or character of the man who would allow pride of opinion or devotion to a peculiar form of expression to trifle with the peace and destinies of nations. I do not see the dangers in article 10 that some fear, nor do I see the benefit from it that others point out, but I can see no excuse for not making plain what we understand it to require of us. It reads as follows:

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

In construing it we must keep in mind the provision relating to the unanimous action by the council, which is as follows:

Except where otherwise expressly provided in this covenant, or by the terms of the present treaty, decisions at any meeting of the assembly or of the council shall require the agreement of all the members of the league represented at the meeting.

Some construe the first sentence as if it stood alone. This can not be, because no nation is to act alone. The two sentences must be taken together to determine our obligation and how and when it shall be fulfilled.

No definite action can be or is to be taken under this article until the council advises what it is to be. We are a member of the council. The council can give no advice until all agree. If anything is sought of us we must agree to it before there is any advice from the council and before we can be required to do anything. If we do not think we should do anything, we are not bound to do it, legally or morally. Every nation that goes into the league knows that no member of the council is required to agree to any particular course of action, and if it does not do so it can not justly be charged with failure to comply with its agreement or with dishonorable action, and so, until our representative on the council agrees to some course of action we are not bound legally or morally to do anything.

There is no decision by the council until everybody agrees upon it. I may be dull; I may be obtuse; but I can see no other construction to be placed upon section 10. This I conceive would be the action under article 10 if a nation of Europe were to make an attack upon another. The council would be called together. If some member should propose that we send an army across the sea to cooperate with others, our representative would say, "No, gentlemen; this does not threaten our peace or safety; it is your own peculiar concern; you are near the

scene of conflict; your peace and safety are affected; you can deal with it fully and more easily and cheaply than we can. Furthermore, I have no authority to declare or make war or raise armies. That must be done by Congress and I shall and can consent to nothing of this kind until Congress authorizes me to do so." This would be in harmony with our traditions and policies and with the Monroe doctrine and our Constitution, with both of which other nations and people must be presumed to be familiar.

"But," says some one, "what if it should be proposed that we send an army of a hundred thousand men across the sea to fight for some other country and our representative on the council should give its consent to it." Then, Mr. President, we would not be bound legally to do it, because neither the council nor any such representative can declare war for us. But if a nation can be bound morally to do what it is not legally bound to do, then we and Congress would be morally bound to do what our representative had given his consent to. It is easy for us to say now in grandiloquent fashion that every obligation we make we will fulfill. If we believe this we should be extremely careful what we promise; because I say, as my deliberate judgment, that no Congress of the United States will ever declare war and send an Army across the sea to fight in a cause that does not directly concern us and in which our peace and safety are not threatened, and the people would soon get rid of it if it did. Believing this, as I do, I shall vote to save my country from such an embarrassing situation. Let us make sure of our political independence; let us preserve inviolate our right of sovereign action; and let us save ourselves from the very appearance of dishonorable action. This makes for peace and not for war.

"But," some one says, "it is inconceivable that our representative would give his consent to anything of this kind." I have seen so many inconceivable things done of late years by men in high position that I am not willing to intrust the destiny and honor of our Republic and the lives of our sons to the will or discretion of any man acting in a foreign capital 4,000 miles away. I remember when a bill was pending in this body before we entered the war to pass the war-making power of Congress on to the President that a proposal was made to amend the bill by providing that certain things should not be done by the President. The Senator from Massachusetts opposed the amendment and said:

I think it is very undesirable when we are asked by the President to give him certain powers to accompany the authority with a statement that he must not do that which he knows he can not do without committing an act of war and going beyond his constitutional powers. I see nothing to justify Congress in taking that position.

And when asked:

You do not expect it to be done in this instance?

Mr. LODGE said:

I certainly do not; far from it.

And yet within 10 days this very thing was done. No, Mr. President, the people wisely placed the making of war and the raising of armies in the control of their chosen representatives, and until they change it I want to see it kept there. When they say they want this power placed under the control of foreigners and a man appointed by the Executive and responsible only to his will, it will be all right. Our Nation will then cease to exist; Americanism will be gone. That day, Mr. President, will never come. The President said in one of his speeches that no one expected us to interfere, for instance, in disputes in the Balkans; that the nations near there would take care of such a situation. He also said that if such a dispute spread so that it became our concern we would enter it whether we were in the league or not. Then why have article 10 at all, and if we are to have it, why not express in clear terms this very idea, because it is the idea of the American people? It is the idea expressed by the President himself.

I have here the language of the President. I am going to read it. This is from the President's speech at Salt Lake City:

Let us go into particulars, therefore. These gentlemen say, "We do not want the United States drawn into every little European squabble." Why, of course we do not, and under the league of nations it is entirely within our choice whether we will be or not.

Yet the other day the Senator from Montana [Mr. WALSH] declared that our obligation under the first sentence of article 10 was complete, and that the only power that Congress had or the only discretion that it had was to determine whether external aggression had occurred, and then our obligation was complete. Yet the President said:

Why, of course we do not, and under the league of nations it is entirely within our choice whether we will be or not.

The normal processes of the action of the league are certainly to be this: When trouble arises in the Balkans, when somebody sets up a fire somewhere in Central Europe among those little nations which are, for the time being, looking upon one another with a good deal of jealousy and suspicion because the passions of the world have not

cooled—whenever that happens the council of the league will confer as to the best method of putting out the fire.

If you want to put out a fire in the Balkans, if you want to stamp out the smoldering flame in some part of Central Europe, you do not send to the United States for troops.

Well, we hope they would not do it; and if they did, we would not send them. But why put us in a position where, if the contention of some is correct, we may be called upon to do so?

The President further says:

The council of the league selects the powers which are most ready, most available, most suitable, and selects them only at their own consent, so that the United States would in no such circumstances conceivably be drawn in, unless the flame spread to the world. And would they then be left out, even if they were not members of the league? You have seen the fire spread to the world once, and did not you go in? If you saw it spread again, if you saw human liberty again imperiled, would you wait to be a member of the league to go in?

Then, why do we need the league? Of what effect is it? Of course, so far as the provisions of article 10 are concerned, if the same conditions were to arise that arose two years ago we would go in, and probably we would go in much more promptly than we then did.

The President further says:

Why, the whole thing goes directly to the conscience of the Nation. If the fight is big enough to draw the United States in, I predict that they will be drawn in anyhow; and if it is not big enough to bring them in inevitably, they can go in or stay out according to our own decision.

And yet the Senator from Montana [Mr. WALSH] says that his judgment does not run counter to that of the President in the least. In the White House conference with the President, at the close of the discussion with reference to our obligations under article 10, this colloquy occurred:

Senator BRANDEGEE. Then, on a call from the council for us to perform our international contract under article 10, if Congress does not favor performing it, you think we would not be subject to criticism by other members of the league?

The PRESIDENT. Oh, we might be subject to criticism; but I think Congress would be at liberty to form its own judgment as to the circumstances.

Senator BRANDEGEE. I agree with you entirely, and under our Constitution Congress would have to do so.

The PRESIDENT. Yes; that is understood by all.

Well, Mr. President, let us write that understanding so that no man now or hereafter can misunderstand our position. We do not know what the construction of other nations may be. Future representatives of this and other countries may read it differently. Let us make it plain by a record that can not be misunderstood and that will never be erased. Article 10 ought not to be in this covenant at all. No clause, sentence, paragraph, or section of the covenant depends upon it. It could be taken out and the remainder stand unaffected. We would have a league of nations with all the powers and duties provided in the covenant except the provision against external aggression. If armaments are restricted, if disputes are arbitrated or settled by the council, what danger is there of aggression? I can see but little. That would be a splendid structure to start with. It would go a long way toward peace without pledging us to meddle in every aggressive attack anywhere in the world. Article 10, as now written, instead of being the heart of the league is a canker of discord. It is the safeguard of the fruits of an autocratic oligarchy.

The covenant is strangely silent as to the way of naming our representatives in the council and the assembly. This may mean nothing to the other countries, but under our system important appointments by the President usually must be made by and with the advice and consent of the Senate. One can only surmise that the President expects to assume the right to appoint these representatives without consulting with the Senate. This is in line with his methods and his studied disregard of the people's representatives. If this league of nations is to represent the peoples of the world, the members of the assembly and the council should be selected by the people, otherwise they will constitute simply an oligarchy representing the opinions and will of the appointing power. Our representatives should be men of the greatest ability, widest experience, unquestioned Americanism, and intensely alive to the needs of humanity. It is not theirs to represent the President of the United States but the people. They will hold within their power the very destinies of this Republic and they should be elected by the people and responsible only to them. Until this is provided by law, they should be appointed by the President, by and with the advice and consent of the Senate. The resolution of ratification should contain the following provision, which I intend to offer, unless the chairman of the committee proposes something of the kind:

That the representatives of the United States in the council and the assembly shall be appointed by the President and with the advice and consent of the Senate until otherwise provided by law.

Shantung brings a blush of shame to the cheek of every honest man and will go down through the ages as the foulest blot upon our boasted civilization. China declared war upon Germany at the earnest solicitation of the allied nations and upon our most friendly assurances. Thousands of her citizens rendered humble but effective service in the war. When it ended she had no reason to expect treatment as an enemy country, but this is what she received. Japan coveted Shantung. It has those natural resources which she needs. She had made a secret agreement with England, France, and Italy under which they were to help her despoil their ally. When the war ended Japan claimed Shantung with its 40,000,000 people, its great area, vast resources, and a shrine precious to every Chinaman. This claim was upheld by the Allies. The United States protested, but finally gave way and sanctioned this international robbery and wrote the most dishonorable page in our history. It is a deed of eternal infamy. The price of our approval was Japan's signature to the covenant of the league of nations. One is led to wonder if anything good can come from a union secured by such dishonorable bargains. I do not want to be unjust to the President. He did not approve this crime. He does not do it now. No one justifies it. All denounce it, but what can be done? The committee presents an amendment restoring Shantung to China. It is inconceivable that Japan will acquiesce. She has Shantung and she will hold it. We will not go to war to make her give it up. She has promised to restore it to China. She may do so, but if she does I fear it will only be the shadow that China will get. What should we do? Shall we do not only a useless thing, but one that may also do a great deal of harm? Frankly, I do not know what I ought to do. If we adopt the amendment it may kill the treaty. I do not want to do that, and yet I shudder at the thought of making an eternal record of shame by voting to approve this infamy. I will not do so unless I am convinced that it is the wisest, the best, and the most patriotic thing to do. Nations go to war to save their honor. Can they afford to dishonor themselves in a victorious peace?

The President tells the people that failure to ratify the covenant is the cause of business disturbance and labor unrest. He expects the people to believe this, and that it will all disappear with ratification. This claim can not be disproved, but it is hard to characterize it properly and respectfully. Common sense and human experience reject it. England is in the throes of the greatest strike in its history, even though it has ratified the treaty. Nothing in the dispatches indicates that the covenant for a league of nations has had anything to do with bringing about this controversy. Of course, a more settled and certain condition will come when this matter is disposed of, and I am sure the Senate desires to dispose of it as soon as it can be done with the consideration due such an important matter. Personally I am ready and anxious to vote upon it, and would gladly have foregone these remarks if it would have hastened a vote. When this treaty is disposed of there will confront us for solution the greatest and most difficult questions that ever confronted any people. They will tax our ability, our wisdom, our statesmanship, and our patriotism to the utmost, and whether we accept or reject this covenant will have but little effect upon these problems, but we ought to give them consideration without delay.

The President tells the people that the world will sink into chaos if the United States does not enter the league of nations, and hopes to frighten the people to force the Senate to action. The Senate will give its consent to the covenant, and if the United States does not enter the league the President will be the one that prevents it and not the Senate. The danger to the covenant to-day comes from the President himself. It rests with him and the friends of a league of nations whether we enter it or not. He insists that the covenant must be accepted by the Senate exactly as he has sent it to us. I know and his friends know and he ought to know that if reservations are not adopted the covenant will be rejected in its entirety. If, instead of trying to arouse the people against the Senate, he would seek to reach a fair and honorable understanding with it, there would be but little trouble. Senators are just as devoted to the cause of peace as he. They abhor war as intensely as he. They love humanity and seek to alleviate its sorrows and sufferings as much as he. They are as patriotic and as devoted to the interests of this country as he and they are as proud of its leadership and as jealous of its standing among the nations of the world as he. Many of them are as able, as learned, and as experienced in statesmanship and international relations as he, if not more so. They would welcome his cooperation. While he has been seeking to arouse the people against them, Senators have been studying the questions, counseling together; and not as partisans, but as patriots and Americans they have

determined that reservations must be made to safeguard the rights, the welfare, the peace, and honor of this country. These reservations are going to be adopted. The Senate will give its consent to the treaty with its patriotic advice, and if the treaty is not ratified and the United States fails to enter the league of nations Woodrow Wilson, President of the United States, alone will prevent it. He can do so if he will. When the Senate acts the question will indeed be presented to him to "ratify or reject." He, and he alone, will have to meet that issue. He can refuse to ratify and kill the treaty and compact, but the people, posterity, humanity, and the world will know that he did it rather than accept any change. His party friends know that this is the situation in the Senate. They should tell him plainly, bluntly, and promptly of it when he is able to receive that advice. We hope this may be soon, and every Senator is praying for the speedy recovery of the President from the illness which has now overtaken him.

The President says he does not want to go "hat-in-hand" to Germany and beg her to approve any reservations. Nobody wants to do it. He would not have to do it; but he ought to have thought of this before entwining the covenant in the treaty. Germany is not a member of the league of nations. She is not one of the signatories to the covenant. She has not been invited to enter the league; she may never be admitted to it, but when she does come in she will have to accept the covenant as it is at the time she is admitted. Now she is not concerned in it. If any of the provisions of the treaty dependent upon the covenant were changed by these reservations, she might have to approve such changes; but she is not interested at all in the terms of the covenant. The Senator from Montana said a few days ago that "we can amend this covenant in any way that we see fit without consulting Germany the day after we ratify the treaty, but that we can make no change in it now without Germany's consent." That is too profound for me. I can not see any justice or logic in it. The allied nations are the only ones interested. They will approve without delay if they need the league as the President says they do, and when they approve Germany can not complain. Even if her consent must be had, the supreme council can order her to give it as it ordered her a short time ago to change her constitution. She would accede just as she acceded to that request. She signed this treaty under orders, and if her further consent is necessary to any reservations we may make, that consent should be given under orders, and will be given. Surely the people that sent 3,000,000 men to conquer Germany are not now to be frightened by the vanquished. Germany can not scare us into a treaty which we do not want when she could not resist our boys on the battle field.

The strength of the desire in this country for a league of nations rests upon the wish to avoid war and keep our boys at home. The President makes his strongest plea when he says he does not want our boys in khaki to be sent across the sea to fight and die. Of course, he does not want this done; neither do I, nor does any Senator on this floor, whether on the other side of the aisle or on this side.

He says if we do not take this covenant as it is, our boys must go to war. I say that if the meaning of this covenant is made certain and clear, peace is made more sure. Which is right? The President stands for uncertainty. I plead for certainty. Uncertainty in compacts leads to disputes among nations. Disputes lead to war. Clearness and certainty make for peace and harmony. I appeal to the good sense of our people to say which policy will more surely keep our boys at home.

What do the boys in khaki say about it? They do not want to go back. They are also largely against the league of nations. They did their work well, but they do not want to go back to settle any disputes in Europe that do not involve our safety and security, and they believe the league ties us to the quarrels and disputes of Europe. They resent the delay in making peace, and this is one reason why they are against the covenant. I admit that it is not a very valid argument against it. I admit that it is not very logical, yet it is a very natural reason. As one said to me, "We could see no reason to take as long to make the treaty as it took us to whip the Hun when we got at it." Did you ever think that this is true? Chateau-Thierry was fought in the middle of July. On November 11, less than four months later, Germany was on her knees. The peace treaty was not signed until June 28, 1919, or over seven months from the signing of the armistice. It took our boys less than four months to whip Germany, and it took the President more than seven months to make a treaty of peace.

Mr. President, the heart of this covenant is not force and coercion, but public conciliation, open consideration of international disputes and provision for their settlement by arbitration

and unanimous action. The Senate will keep the good in this covenant. We are heartily in favor of public discussion of international disputes and their settlement by conciliation and arbitration. Harmony and good feeling will be fostered among nations by the action taken here. The moral forces of the world will be marshaled for peace. Our Nation will act freely and disinterestedly and contribute of its wealth, resources, and power for the rehabilitation and stability of the world and the preservation of its civilization. Our political independence will be maintained, our sovereignty unimpaired, and real, genuine unalloyed Americanism will lead the world from the horrors of war into the bright sunlight of universal peace.

Mr. President, when I cast my vote on this treaty and the reservations and amendments thereto I can go home and look every mother, wife, sister, and sweetheart in the eye without flinching and say to them that I voted my convictions as to what is best to keep their loved ones at home and out of war; and I can say to every American citizen that I voted in the way I thought best to put the wealth, power, resources, and influence of this great country back of world peace and at the same time insure our peace and tranquillity, preserve our sovereignty and independence under the Constitution of the fathers, save our Nation from any charge of dishonor under this covenant and treaty, and make him proud to be an American.

Mr. LENROOT. Mr. President, if any Member of this body were asked to name a half dozen of the most distinguished lawyers of this body I think there would always be included in that half dozen the names of the Senator from Montana [Mr. WALSH] and the Senator from Delaware [Mr. WOLCOTT]. This week the Senate has had the benefit of the construction by each of those distinguished Senators of article 10 as they viewed it; and I wish to take a little of the time of the Senate in bringing before it the constructions that these Senators have given to this article.

The Senator from Delaware [Mr. WOLCOTT], in his speech of last Wednesday, after discussing article 10 at some length, used this language:

These considerations therefore prompt me to take the view that, considered in the light of the whole covenant and its purposes, several action on the initiative of the respective nations in keeping article 10 is in no wise contemplated. In other words, whatever is done or suggested to be done in keeping the obligations of article 10 is to be the result of the common judgment of the council, arrived at after joint deliberation.

Aside from these general considerations, I am, in the second place, forcibly led to the conclusion that the obligation of the first sentence of the article does not rest individually on the nations, because of the peculiar language of the second sentence. That sentence provides:

"In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled."

If there is external aggression by one nation against another, then the case occurs which article 10 contemplates. When a contract provides what shall be done in a certain case, it is a sound rule of construction that nothing other than that provided shall be done. The principle falls within the legal rule of "Expressio unius exclusio alterius." Now, in the case of external aggression, the article provides that the council shall advise upon the means by which the obligation is to be fulfilled. This clearly and unmistakably conveys the idea that where there is external aggression by one nation against another anything that is to be done in that case under the league covenant in repelling the aggression and righting the wrong is to be done only within the scope of the advice given by the council.

By the express language of the article, therefore, as contained in this last sentence, in addition to the general considerations applicable, the conclusion seems to me to be beyond all peradventure of doubt that there is no obligation upon any member of the league to do anything in obedience of article 10 except as it falls within the program laid down by the council in the giving of the advice.

A little later he said:

Therefore it seems clear to me that when the external aggression has been committed by one nation in violation of the provisions of article 10, no duty rests on any member of the league to immediately rush to the defense of the aggrieved nation; that the council, in considering the case, can only give advice, in which case still there is no duty upon any particular nation to follow the advice.

In other words, the distinguished Senator from Delaware so construes article 10 that there is no obligation whatever upon the individual nations to preserve the territorial integrity or political independence of any member of the league.

Now, let us see what is the construction of the distinguished Senator from Montana, given just two days previous to the speech of the Senator from Delaware upon this same article.

The Senator from Montana [Mr. WALSH] states:

Under the first sentence of article 10, I repeat, our obligation is absolute and perfect whenever a war of aggression is made against any other member of the league.

And a few moments later he said:

I assert that whenever this country is in any manner called upon, or it is suggested that its obligation under article 10 has arisen, the Congress of the United States determines whether the condition set out under article 10 exists, namely, whether the territorial integrity and existing political independence of another member of the league is

threatened by aggression. If it is, then it is the duty of the United States, under this treaty, to do whatever is reasonably necessary upon its part to prevent that threat from being accomplished.

The Senator from Delaware undertakes to show that under article 10 there is no obligation, but that the United States is a free agent. The Senator from Montana, on the other hand, construes the obligation as absolute and several.

After giving the construction of both of those Senators, may I read, Mr. President, just a few words from a speech of President Wilson delivered at Des Moines on September 6, 1919? He says:

I have been a student of the English language all my life, and I do not see a single obscure sentence in the whole document. Some gentlemen either have not read it or do not understand the English language; but, fortunately, on the right-hand page it is printed in English and on the left-hand page it is printed in French. Now, if they do not understand English, I hope they will get a French dictionary and dig out the meaning on that side.

Mr. President, it is not for me to suggest which of the distinguished Senators—the Senator from Montana or the Senator from Delaware—merits this criticism of the President. It is not for me to suggest which one of them he charges with not being able to understand the English language. It is not for me to suggest which of those distinguished Senators he thinks ought to study the French version, not being able to understand the English one; but it would seem, Mr. President, that because of the directly opposite constructions given by these two distinguished Senators, President Wilson thinks that one of them should be put in the kindergarten class.

Mr. President, that was what I rose to call attention to. I want to add just this word, however:

That construction given by the Senator from Delaware, if it merited that construction, would leave article 10 exactly where the reservation that is proposed would leave it. The reservation that the President denounced at Salt Lake City would give article 10 the exact meaning that the Senator from Delaware says that it now has. If that be so, with the Senator's distinguished colleague giving it a different construction, why should the Senator from Delaware object to a reservation giving his construction? If, on the other hand, the Senator from Montana has given the correct construction of article 10—and I feel very sure that he has—I agree with him fully that the obligation of the first sentence of article 10 is absolute; that our obligation is several as well as joint. I agree with him that if the treaty be ratified without amendment or reservation, whenever the occasion arises, whenever the territorial integrity of any member of the league shall be impaired or its political independence destroyed, the United States will not be permitted to inquire into the justice of the cause or the merits of the controversy. As he states, there will be but one question that the United States would be permitted to determine, and that is whether there has been an external aggression. If the answer be in the affirmative, all of the forces of the United States must be used to restore that territorial integrity or political independence.

As I believe that that is the correct construction, it is amazing to me that a single Senator on either side of the aisle would for a moment contemplate obligating the United States to the extent that article 10 commits us.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate, as in legislative session, adjourned until Monday, October 6, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, October 3, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, source of every high and noble impulse, quicken our minds and hearts by Thy spirit, that we may go forward with the new day to larger conquests and achievements for ourselves as individuals and for our Republic, that the world may be a little better that we have thought and acted.

The heart of the Nation is stirred with anxiety and sympathy for our President and his family. Touch him, we pray Thee, with Thy healing hand and restore him to health and activity, for Thine is the Kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

BOLSHEVISM.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in the form of resolutions adopted by the Society of the Sons of the Revolution of the

State of California and remarks by Harry F. Atwood on the subject of Bolshevism.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. GARD. Reserving the right to object, Mr. Speaker, is this the same request that the gentleman brought in yesterday?

Mr. OSBORNE. Yes, sir.

Mr. GARD. They are matters of resolutions from military posts in his State?

Mr. OSBORNE. No. It is the Society of the Sons of the Revolution from the State of California.

Mr. ASHBROOK. I hope my colleague will not object.

Mr. GARD. I have no objection. What are the other remarks that the gentleman refers to?

Mr. OSBORNE. It is a brief address by Mr. Harry F. Atwood. I think there are about five or six hundred words in it. It is a very striking address on Bolshevism—against Bolshevism.

Mr. BLANTON. Reserving the right to object—and I shall not object—I objected yesterday temporarily, but if there is nothing in the instrument but what is strongly American I shall not object.

The SPEAKER. Is there objection?

There was no objection.

Following are the documents referred to:

THE FOREIGN INVASION OF THE UNITED STATES.

PART I.

Resolutions adopted by Society Sons of Revolution, State of California.

Whereas the Government of the United States is based upon certain fundamental principles, insuring as nearly as possible equal human rights without class or distinction within the limits of human endowment; and

Whereas in the 143 years of its existence it has been the active exponent of such ideals, and should continue to be the same for all time; and

Whereas there unfortunately has grown up through a neglect of its citizens and Government a failure to learn and understand and appreciate the fundamentals on which this Government was established. A large element in our midst whose ancestors have for hundreds of years past been subjected to a greater or lesser degree of practical slavery and subjection to a privileged ruling class in other lands have not been in this country a sufficient length of time to have strongly ingrained into their natures the real ideals and purposes of our republican form of government, but still retain a wrongly conceived feeling which they inherited from the homeland from which their ancestors fled or came. Moreover, without any wrong intent within themselves, a large number of these citizens, because of a lack of a clear understanding and appreciation of the real and true conditions, have and continue to take a view of the Government of the United States that is not representatively an American idea, but a foreign thought not consistent with the true welfare of our country and Government; and

Whereas many of these in the fullness of their honest beliefs and entirely within their rights have banded together, some as capitalists, some as labor, some in other groups, each seeking his or her own personal advancement, no matter at what expense it may be to the great mass of citizens not affiliated in any way with any of these groups, but the accomplishment of the purposes and personal aims of any or all of said groups, is unquestionably at the ultimate expense of the great majority, who in this country of government by majorities are the real sufferers; and

Whereas that the purposes for which this Republic was founded and the Constitution upon which it is based may not be prostituted in behalf of any group or class, no matter for what it stands, if it does not actually represent a majority of the citizens of the United States acting within their rights as defined by the Constitution; and

Whereas that the authority and sanctity of the ideals of our Government, and that for which it stands, shall now and at all times in the future, as in the past, be above reproach and violation, or attempt at violation or question as to its final and fundamental rights and authority in all matters, it being a representative form of government, and that it shall at all times be the final authority in this land, undisputed or unquestioned, as well as unstained; and

Whereas anyone, either citizen or alien, within our border who may offer comfort and assistance to a foe or another country or element that is undermining our Government or opposing its maintenance and existence is a traitor to the Government and country; any attempt to undermine the Government in any way is treason, whether the attempt be individual or collective; and

Whereas that no opportunity should be given whereby acts that may be or are treasonable shall be encouraged or tolerated and the foundations of authority of the Federal, State, or municipal government be infringed upon or the authority of the Government in its operation be impaired or questioned by any of its citizens, visitors, or employees in a way that will impair the continuous operations and efficiency of each and every department at all times: Now, therefore, be it

Resolved, That we call upon the constituted Government of this country, consisting of the Congress of the United States, its Executive, and Judiciary, to at all times keep before it the principles upon which this Government was founded and maintain the constitutional principles of this Republic; and be it further

Resolved, That Congress be warned not to enact any laws, adopt any resolutions, or in any way permit any functions of the Government to come within the control or influence of any class, minority group, or organization, whether it represent all those intimately interested in such special department or not, that may or can possibly impair the fullest authority and freedom of the Government in its control in all things and at all times; and be it further

Resolved, That the Government of the United States for the purpose of preventing the possibility of any such influences from coming into control of any departments of the Government or its functions now or at any time, and thereby giving an opportunity for the questioning of

the authority of the Government's control, which should be absolutely unquestioned, do not sanction the purchase or ownership or nationalizing by the Government of any of the public utilities not already so owned, unless Congress find it absolutely essential to secure ownership of or to take over such public utility at any time, in which case it should clearly specify that no employee of such utility who may go with the Government shall retain his membership in any organization or group that stands for similar or allied purposes in civilian life so long he remains with the Government, because loyalty in governmental service is loyalty to one's country, and such loyalty will not permit of a divided allegiance: And provided further, That all public utilities not owned by the Government shall be subject to Government control and regulation and for a full security of the vested authority possessed by the Government of the United States; and be it further

Resolved, That all employees of the Government be enrolled under some form of enlistment, and that any employee or group of employees leaving or shirking their work without authorized permission shall be classed as a deserter; anyone urging or attempting to urge a Government employee or employees to leave or shirk their work shall be classed as a traitor and dealt with accordingly. And that the Congress of the United States create a means whereby full justice shall be done to each and every employee and worker of the Government in its hours of labor, its surroundings, and compensations, and for this purpose it is recommended that a bureau, department, or other means be created, whereby all inequalities or unfair conditions and compensations may be taken up and considered for either individuals or groups through properly provided means, and the same adjusted in a way consistent with the conditions and costs of living at the time. That this bureau be compelled to act promptly on all complaints, and without fear or favor, the same being nonappointive but civil service in selection; and that a system of pension be provided for all employees faithfully discharging their duties for a certain number of years; and be it further

Resolved, That Congress provide by act that all employees in the Government service shall take a special oath of allegiance to the Government, and also provide that any failure to carry out instructions of the Government through refusal or willful neglect in their work, either individually or collectively, shall be classed as a form of treason against the Government, which act shall carry with it as penalty a fine and long imprisonment. Also that only benevolent and social organizations shall be permitted among Government employees, which organization shall not be permitted to affiliate with other organizations in other departments of the Government or with civilian organizations of any nature whatsoever; and be it further

Resolved, That the Society Sons of the Revolution in the State of California, a society standing for the purest patriotism and the absolute support of the Government, without fear or favor, which is a strictly nonpartisan and nonsectarian organization, adopt and ratify, by its board of directors, these resolutions as expressing the sentiment and will of its membership, and that the same be ordered printed and copies sent to the President of the United States, the Members of the United States Congress, the Supreme Court of the United States, the governors of the several States, and the press of the country for their consideration and guidance in the important matters coming before them, both at this time and in the future; and be it further

Resolved, That the Society Sons of the Revolution in the State of California call upon all organizations and groups whose loyalty and vision is ahead of self-interest to adopt resolutions of protest against changing or weakening the original representative form of our Government and send to all Members of Congress, the President of the United States, the United States courts, the governors of the several States, and the press of the country to show that the sentiment of the great mass of American citizens is for an unhampered Government in absolute control of all functions at all times, and that class interest, no matter whether capital, labor, or anything else, must remain in its place in civil life alone and not attempt to interfere with the freedom of the functions of the Government's workings.

PIERSON W. BANNING,
Chairman.
EDMUND S. SHANK,
ELMER D. STACY,
Committee.

BOLSHEVISM AND ITS ANTIDOTE—OUR CONSTITUTION. (By Harry F. Atwood, author of "Back to the Republic.")

PART II.

It is a rather startling statement, but it is an indisputable fact, that during all the thousands of years prior to the writing of our Constitution and the founding of this Republic there was no government to which the historian could point and truthfully say, "There was a government that worked well."

Now, while that is an unusual statement, it is just as true as it would be if I should say that prior to the evolving of the 10 digits there was no system of mathematics to which the historian could point and truthfully say, "There was a system of mathematics that worked well."

During all those thousands of years the pendulum of government was swinging back and forth from one extreme to the other, just as it has done recently in Russia and is now doing in Germany, swinging back and forth from the extreme of autocracy, which has always resulted in tyranny, to the extreme of democracy, which has always resulted in chaos.

Since that word has been used so frequently and so much during recent years, I want to pause just long enough to say that it is an innovation in the life of this country to refer to our Government as a democracy. Up to 19 years ago we scarcely—I might almost say never—referred to our Government as a democracy. The men who founded this Government were more fearful of democracy than they were of autocracy, and said so just as clearly as I am talking now.

They made a very clear distinction between a republic and a democracy, and said that they had founded a Republic; and in order that there may be no misunderstanding, I want to read exactly what they did say. You will recall that after the Constitution was written, Hamilton, Jay, and Madison were appointed to interpret the work, and in the Federalist Madison says:

"What, then, are the distinctive characteristics of the republican form? Were an answer to this to be sought, not by recurring to principles, but in the application of the term by political writers, to the constitutions of different States, no satisfactory one would ever be found."

"Holland, in which no particle of the supreme authority is derived from the people, has passed almost universally under the denomination of a republic. The same title has been bestowed on Venice, where absolute power over the great body of the people is exercised, in the most absolute manner, by a small body of hereditary nobles."

"Poland, which is a mixture of aristocracy and monarchy in their worst forms, has been dignified with the same appellation. The Government of England, which has one republican branch only, combined with an hereditary aristocracy and monarchy, has with equal impropriety been frequently placed on the list of republics. These examples, which are nearly as dissimilar to each other as to a genuine republic, show the extreme inaccuracy with which the term has been used in political disquisitions."

The above quotation indicates how forcefully Madison called attention to the gross misuse of the word "republic" in his day. He was very jealous of the use of the term. He was extremely conscious and justly proud of having played an important part in helping to found the first republic in history. He knew the difference between an autocracy and a republic, and he objected to having autocracies spoken of as republics. He also understood quite clearly the difference between a republic and a democracy. His description of democracies is a splendid word picture of the Russia of to-day. Again, in the *Federalist*, he said:

"Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property, and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their professions, their opinions, and their passions. * * * A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. * * * The two great points of difference between a democracy and a republic are, first," etc.

I just raise that point to make it clear that the men who founded this Government had no thought of founding a democracy, and, while this may seem a rather extravagant statement, I believe that 75 per cent of the ills from which we have been suffering during the last 18 or 19 years are due to the prevalent misuse of the word democracy. I said to a man some time ago, just as an illustration, that Lincoln never used the word. This man had written a book of 600 pages on the life of Lincoln, and said he had used it often.

I asked him to find it. He made a search and found where Lincoln had used it once.

DYESTUFFS LETTERS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the *RECORD* by inserting a letter from the Hon. John J. Fitzgerald, formerly a Member of the House; also a letter from Hon. Herman A. Metz, also formerly a Member of the House; and a third letter from Hon. Victor Murdock, formerly a Member of Congress, now Acting Director of the Federal Trade Commission, all on the same subject of dyestuffs.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the *RECORD* by inserting letters relative to dyestuffs. Is there objection?

There was no objection.

Following are the letters referred to:

MR. FITZGERALD'S LETTER.

NEW YORK, September 29, 1919.

The Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR MR. MOORE: On September 26, 1919, in the debate on H. R. 3078, the so-called "dyestuffs bill," you appear on page 5991 of the *CONGRESSIONAL RECORD*, in referring to some affairs of Mr. Herman A. Metz, as having spoken as follows:

"One of the attorneys who is taking his property to-day is one of the numerous attorneys who were employed by the Alien Property Custodian, our former colleague, the chairman of the Committee on Appropriations, Mr. John J. Fitzgerald."

I am ignorant of the source from which you obtained the information upon which you based that statement. So that there may be no misunderstanding about my relation to the situation, however, permit me to inform you that I have been acting as Mr. Metz's attorney in connection with his controversies with the Alien Property Custodian. Instead of "taking" his property, in association with other attorneys, I have endeavored to persuade the Alien Property Custodian that Mr. Metz's properties were not subject to seizure under the trading-with-the-enemy act.

The Alien Property Custodian determined that the stock of the Farbwerke Hoechst Co. was alien-enemy owned, and demanded its surrender by Mr. Metz. At the time of the surrender of the stock Mr. Metz suggested that I be designated by the Alien Property Custodian as a director of the company. This request was denied, but by agreement between Mr. Metz and the Alien Property Custodian I was selected by the directors installed by him as one of the counsel for the company.

Believing that you would not intentionally misrepresent my relationship to any matter, I have confidence that you will place this communication in the *RECORD* so that my connection with Mr. Metz's affairs will be given the same publicity as your unintentional misstatement has obtained.

Very truly, yours,

JOHN J. FITZGERALD.

LETTER FROM MR. METZ.

NEW YORK, October 2, 1919.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Mr. Fitzgerald sent me a copy of his letter to you and I wrote you that what he said was true and I confirmed it in all respects. While literally this is so, technically possibly it may not be, for the following reason, and I will give you the whole matter in detail:

Mr. Fitzgerald told me, I think in October of last year, that he had heard that the A. P. C. was going to take over my company—that is, the Farbwerke-Hoechst Co.—and that he wanted me to know about it and if he could help me any he would be glad to do so. I explained the circumstances to Mr. Fitzgerald, and he did go with me to see Mr. Garvan, after Garvan had made his demand for three of my concerns. I had previously made a full statement of the history of my concerns to the Information Bureau of the War Trade Board, and

when Mr. Choate, of the A. P. C.'s office, began to inquire into the status of the company he had this report, and I gave him everything I had bearing in any way upon my business and all of my concerns. He asked me then, as they had no funds, whether I would permit their accountants to come in and verify my statements at my own expense. To this I gladly consented. But after the accountants had been here a few days and after the amendment—of November 4, I think—was passed at 6 o'clock on Saturday night, two days before the armistice was signed, I was served with a demand for all three concerns at my country place, to which the accountants came for the purpose of serving it. I called up Senator O'Gorman and told him what had happened, and he assured me that examinations of this sort were being made all over and that it meant nothing, and that the facts would be proven; and he advised me to accept the service and comply with the demand, as I would have my redress in court and I would not be damaged any, except the possible expense I might be put to. It was thereafter that Fitzgerald went with me to see Garvin, and Garvin told me immediately that there was a broader question involved than simply my company; that apparently I was of the opinion that colors could not be made on this side and that they had determined the industry should be established and that all German connections and influence should be wiped out; but that he was willing, pending the completion of the investigation, to allow the stock of my companies to remain in escrow with Fitzgerald under an agreement that upon the completion of his investigation Fitzgerald would hand it back to me and I could then determine what course to pursue in case he renewed his demand. To this I also readily consented, because I knew I had nothing to fear if the investigation was to be on the level and as I had Garvin's special promise that there would be no publicity, because publicity or even the intimation of German interests would hurt my business and interfere with it greatly. I was assured that nothing of the sort would be done. You and I know how much publicity there has been in the articles that have appeared in the lay press, in the magazines, and everywhere else, and at speeches delivered at banquets by Palmer, Garvan, and Choate.

The investigation continued until March, 1919, and the accountants' report was revised once or twice. The first report was so raw that not even Garvan would stand for it, and the men who really made the examination protested. The man who made it was the \$100-a-day man who was here occasionally once a week, for a few minutes, and sometimes not at all for four weeks, while he was sick in Atlantic City. On the strength of the draft of the first report, my counsel, Mr. Vandiver, Senator O'Gorman, and Fitzgerald went to see Garvan and protested against the language of the report as absolutely unjust and unwarranted and doing me irreparable injury. Thereupon some of the most objectionable matter was stricken out, and the report was finally made as it appeared in the printed report of the Alien Property Custodian. One item, however, which appeared in the original draft was left out of the final report, and that was to the effect that no evidence had been found to indicate that there was any foreign interest whatever in the H. A. Metz laboratories. Garvan decided that in order to clean up the "Big Six" he would take over the Farbwerke-Hoechst Co., which was only a shell, as it had done no business for over a year (I having dropped it because of its foreign name and the antagonisms it aroused), and that there would be no publicity; and that he was also taking over the Badische Co. and the Casella Color Co.; and that my other two concerns would be cleared and given back to me, and that instead of being injured by his action I would be benefited by the fact that he had released these two companies after investigation, and that this would be the best advertisement I could possibly get.

Garvan consulted with me and suggested the names of certain gentlemen to be put in as directors of the Farbwerke-Hoechst Co., to which I agreed, assuming that they were fair-minded and did not want to injure my interests. When the men were finally appointed there were several changes. I suggested Fitzgerald to be one of the directors, but Garvan made him attorney for the company, and also put in Isadore Kressel, a former associate of his in the district attorney's office. The proceedings of the first meeting of the directors appeared in my bill of complaint against Garvan and are published in the hearings before the Ways and Means Committee. Fitzgerald, as an attorney and to some extent, at least, as representing me in the matter, as well as the Alien Property Custodian, expressed the opinion right along, and in the arguments with Garvan above referred to, when Senator O'Gorman and Mr. Vandiver were present, also argued, that there was no reason to take over these companies. After this was decided and I approached Mr. Garvan and asked him to release the other two companies, he told me he was ready to do so, but that he wanted the directors of the Farbwerke-Hoechst Co. to look into the matter and have them recommend that there was no connection. A committee of the directors was appointed, but they never met for the purpose, and I was informed that Mr. Kressel, without consulting the directors, had written an opinion that although there was no direct evidence of any connection with the two concerns, nevertheless they should be seized and compel me to go to court to prove my case. This is practically what his report amounted to. I protested against this report to Fitzgerald at the time and telegraphed him to Washington, as follows:

"Hon. JOHN J. FITZGERALD,

"New Willard Hotel, Washington, D. C.:

"Understand from Kressel he will report against me. I hope Garvin won't perpetrate this outrage, for it will do irreparable damage. It is unfair and unjust and he knows it.

"(Signed) METZ."

A meeting was called of the directors, to meet at my office, but on the morning of the same day my counsel appeared in court and submitted my bill of complaint. Besides the district attorney, Col. Rand (also a former associate of Mr. Garvan's in the district attorney's office) appeared as special counsel. This, of course, stopped further proceedings, although Mr. Tibbetts, an assistant of Mr. Kressel and now secretary of the Farbwerke-Hoechst Co., told me that he was about to have a resolution passed allowing \$2,500 counsel fee each to Mr. Kressel and Mr. Fitzgerald. I told him I had gotten through paying any fees of any kind to anybody, and that if the directors voted any such salary or any such compensation I would hold them personally responsible. The meeting referred to above was called for 2 o'clock that afternoon. Mr. Kerr, who was elected president of the company, Mr. Prial, and Mr. Fitzgerald appeared at the meeting, but as there was no quorum nothing was done. The proposed report of Mr. Kressel was discussed by Mr. Kerr and Mr. Fitzgerald, and both of them passed upon it as unwarranted. Mr. Kerr said that he had gone into the matter very carefully, and that in his opinion there might exist claim for an accounting on the part of the Farbwerke-Hoechst Co. against me personally because of the contract of 1912 with the firm abroad. I have never objected to

any such construction. If I owe the people abroad anything the A. P. C. as conservator of their property is entitled to it, but my books show that instead of my owing the firm abroad money they owe me several hundred thousand dollars for payment of goods in anticipation of shipments and for part of the profits accrued to me from goods shipped here on the submarines and on British permits during 1915-16. After this meeting nothing further occurred. The Farbwerke-Hoechst case was set for August, was postponed until September by stipulation, and again postponed until October 6 by stipulation. In the meantime nothing happened until I appeared in Washington before your committee and the resulting controversy with Mr. Garvan because of your attitude on the Chemical Foundation and his other activities. Mr. Fitzgerald still holds the two stocks in escrow, but the status of the companies remains exactly as it was, and I have gone on doing business despite the handicap placed upon me by the insinuations and intimations whispered around by competitors because of the attacks and articles by Mr. Palmer, Mr. Garvan and Mr. Choate. I have drawn no dividends, but have allowed whatever profits there have been to accumulate. I have gone on, especially in the laboratories, increasing our production and improving our salvarsan and novocain, working in cooperation with Prof. Stieglitz and the Public Health Service, till better products at a lower price are made than can be obtained anywhere else on earth. What the effect of Mr. Garvan's demand for the two companies at this late stage will have upon the business of the laboratories can easily be imagined. It is bound to be harmful and serious. I have a large accumulation of evidence now from all over the country about the prejudice which his stories have already aroused on the part of many consumers, largely because of the fact that as a man in public life my name is well known throughout the country. My connection with the dyestuff business, dating over 35 years, is also known, and nine times out of ten any accusation made against any of the German concerns—and you will note be always bunches them—brings to the public mind my connection, and no one else's, so that I have been made the "goat" and irreparable damage all along the line has been done to me and my companies.

I defy Mr. Garvan, Mr. Choate, or anyone else to point out a single instance in which I or the concerns I control have, directly or indirectly, done a single thing that can be criticized from the viewpoint of loyalty, integrity, or absolute Americanism. This last act in retaliation of my daring to differ with them in their procedure in the attempts to do that which will build up a monopoly of the worst kind here has brought about this sudden demand for my other two companies.

It will interest you to know that Judge Hough, of the Federal court, on September 30, has granted an order to show cause why these proceedings should not be stayed, pending the determination of the suit already begun, and that same was returnable on October 10. My case is in the hands of Messrs. O'Gorman, Battle & Vandiver, and I will undoubtedly have other eminent counsel, because I am determined to go the limit against this outrage which is being perpetrated against an American citizen in pursuance of the "policy" of a public official, nowise within his province or in the scope of the authority conferred upon him by law. I have not discussed the matter with Mr. Fitzgerald since I sent him my telegram, and in the meantime he continues to hold the stock in escrow and remains counsel of the Farbwerke-Hoechst Co. on behalf of the directors appointed by Mr. Garvan, and therefore to the extent to which I consulted him and that he appeared with Senator O'Gorman before Garvan in my behalf upon the filing of the report of the accountants he represented me and acted as my counsel.

I am giving you this in detail because in this matter all the facts are essential to show the ramifications of the entire case.

Yours, very truly,

H. A. METZ.

MR. MURDOCK'S STATEMENT.

FEDERAL TRADE COMMISSION,
Washington, September 27, 1919.

HON. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In connection with discussion of the Longworth dyestuffs bill (H. R. 8078) my attention has been drawn to your reference to the Federal Trade Commission, quoted on pages 5811 of the RECORD of September 23, by reason whereof I desire to set before you certain facts, as follows:

As stated in the RECORD, approximately 4,500 patents were transferred by the Alien Property Custodian to the Chemical Foundation (Inc.), under certain of which patents licenses had been granted by this commission pursuant to the authority vested in it by the act of October 6, 1917, known as the "enemy-trade act," and the Executive order of October 12, 1917.

Acting without the knowledge of the commission and without any consultation upon the subject, the Chemical Foundation, following such transfer, addressed the licensees of the commission, in part, as follows:

"We have arranged with the Federal Trade Commission to accept a surrender of your license from the Federal Trade Commission and to issue a license on the same terms from the Chemical Foundation (Inc.)."

This letter was first called to the attention of the commission by a number of its licensees, whereupon, in order to make its position plain, the commission addressed to each licensee a copy of the "circular," to which reference is made in your remarks. Not only did said "circular" recite that the transfer of licenses was wholly optional with the licensees, but, while not counseling one way or the other, it did specifically and in terms suggest the inadvisability of surrendering a Federal Trade Commission license, at least until the treaty of peace was executed and its effect upon licensees and the patent situation generally was definitely known. The full text of said letter is inclosed for your information.

It may be added that while four licensees only, as a result, have tendered a surrender of licenses, no surrender has as yet been accepted by the commission.

Very truly, yours,

VICTOR MURDOCK,
Acting Chairman.

THE DYE PATENTS CIRCULAR.

JUNE 26, 1919.

GENTLEMEN: A number of those holding licenses with the Federal Trade Commission by virtue of the authority vested in the commission under the trading-with-the-enemy act and the Executive order of October 12, 1917, in re enemy-owned patents, etc., have notified the commission that they have been requested by the Chemical Foundation (Inc.), to relinquish the said licenses and in lieu thereof to accept

licenses from the Chemical Foundation (Inc.). The Chemical Foundation (Inc.), through its attorney and representative, Mr. Hognet, has appeared in person before the commission and asked for an expression from the commission as to its disposition in this matter. In response to these inquiries the commission makes the following statement for your consideration:

LICENSES GRANTED BY THE COMMISSION.

By virtue of the authority vested in it by the act of Congress approved October 6, 1917, known as the trading-with-the-enemy act, and the Executive order of October 12, 1917, vesting it with authority to administer said act, the Federal Trade Commission granted licenses thereunder for the life of the patent, unless otherwise stated, and upon payment to the Alien Property Custodian of a certain royalty. Under said license the commission reserved the power to terminate and cancel the license in whole or in part. It is this license that the Chemical Foundation now requests you to surrender, and in lieu thereof to apply for one to be issued by it.

THE CHEMICAL FOUNDATION (INC.).

At the suggestion of the commission the Hon. Ramsay Hognet, counsel for the Chemical Foundation (Inc.), has made the following statement of the objects and purposes of the said foundation:

"The Chemical Foundation is a corporation to which the Alien Property Custodian, acting under the authority of the President, has sold all of the formerly enemy-owned patents relating to dyes, chemicals, and related subjects. The stock of the Chemical Foundation is divided into \$400,000 of preferred nonvoting stock which it is expected will be redeemed within a very short time, and \$100,000 worth of common stock, the dividends on which are limited to 6 per cent. This stock is sold in very small lots and is as widely distributed as possible throughout the industries affected by the patents. In order to prevent control falling into the hands of any one group, the stock is non-transferable except by leave of the board of directors and is placed in a voting trust for a period of 17 years. The voting trustees are the gentlemen who have been serving as the advisory sales committee to the Alien Property Custodian: Otto T. Bannard, esq. (chairman the New York Trust Co., New York); Hon. George L. Ingraham (late presiding justice appellate division, first department, New York Supreme Court); Cleveland H. Dodge, esq.; B. Howell Griswold, Jr., esq. (of Alexander Brown & Sons, Baltimore); Ralph Stone, esq. (president Detroit Times Co., Detroit, Mich.). The officers and directors of the foundation are as follows: President, Mr. Francis P. Garvan (the Alien Property Custodian); vice president, Col. Douglas I. McKay (late colonel, General Staff, vice president of J. G. White & Co., and deputy and police commissioner of the city of New York under Mayors Gaynor, Kline, and Mitchell); treasurer and secretary, Mr. George J. Corbett (assistant secretary, Central Union Trust Co.).

"It is the purpose of the Chemical Foundation to issue nonexclusive licenses on equal terms to all properly qualified American manufacturers and to enforce the patents against infringement by the importation and sale of the patented product made abroad. The royalties charged are to be fixed after consideration of all of the facts surrounding the manufacture of the patented product, and will be at a reasonable rate. The royalties will be used to retire the preferred stock and for the encouragement of chemical industry in the United States. The directors of the Chemical Foundation hope to make it a central body and point of contact for the entire chemical industry, and the means of conducting research for the benefit of the industry as a whole.

"The sale of the Chemical Foundation by the Alien Property Custodian having been made unconditionally, no rights are reserved to the former enemy owner of the patents, and under section 7 (c) of the trading-with-the-enemy act as amended November 4, 1918, his only recourse appears to be against the proceeds of the sale from the Alien Property Custodian to the Chemical Foundation. It is the opinion of counsel for the Chemical Foundation that the alien enemy has no right of action whatever against the licensee under a license issued by the Chemical Foundation.

"The Chemical Foundation will issue licenses at the rate of royalty now paid to all licensees of the Federal Trade Commission who apply to the commission for a surrender of their licenses and the surrender of whose licenses is accepted by the commission."

The commission is informed that on July 1, 1919, the Alien Property Custodian will cease to be a member of the Chemical Foundation (Inc.); that thereafter there will be no connection whatsoever with the United States Government; and that its licensees will be governed by the terms of the license issued by it.

LICENSE OF THE CHEMICAL FOUNDATION (INC.).

There is herewith inclosed a copy of the form of license of the Chemical Foundation (Inc.). A comparison of the form of license of the Chemical Foundation (Inc.) and that of the Federal Trade Commission will reveal a number of differences, several of which are herewith referred to.

According to section 2 thereof the licensee will not be permitted to import into the United States from any country "any product which is covered by any of said patents, or sell in the United States, its Territories, or dependencies any such product made outside of the United States."

By section 13 of said form of license there is reposed in the Foundation the exclusive discretion of determining, not only whether the licensee has lived up to the terms of the license, but the Foundation also reserves to itself the right to judge of the qualifications of the licensee at the time of the application and at all times after granting the same, according to the several sections of the said form of license.

ALTERNATIVES OFFERED TO LICENSEE.

The licensee has the privilege of electing one of the following three alternatives:

(a) The licensee may retain its Federal Trade Commission license and operate thereunder for the life of the patent, unless otherwise specified, subject to the powers of revocation provided by the Federal Trade Commission license. Or

(b) The licensee may retain its license with the Federal Trade Commission and at the same time apply for one from the Chemical Foundation (Inc.). Should the latter be granted, the licensee may operate under both of said licenses, but subject to either the Federal Trade Commission or the Chemical Foundation (Inc.), or both, according to the terms of the respective licenses. Or

(c) The licensee may surrender its Federal Trade Commission license and thereby withdraw from the protection of the trading-with-the-enemy act and apply for a license from the Chemical Foundation (Inc.) and, in the event of issuance of the same, operate thereafter under the con-

trol of the said foundation as a private corporation, according to the terms of the license issued.

A surrender of license will not be acted upon by the Federal Trade Commission where the licensee is a corporation until a written request is addressed to it by the properly authorized officers of the licensee, together with a resolution of the board of directors authorizing the said request. In the case of licensees not incorporated the request must be in writing, signed by the proper parties. The cancellation of a license will not take place until the commission has acted upon the request and informed the licensee of its action.

Attention is called to the fact that the commission does not have knowledge at this time of the effect of the treaty of peace now being negotiated at Paris upon the said patents or sales or licenses thereunder. It therefore points out that until the treaty of peace is executed and the effect thereof on patents and licenses is known the licensee may well consider whether he shall surrender the Federal Trade Commission license.

By direction of the commission:

Acting Chairman.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 7417. An act to amend an act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

PRIVATE CALENDAR BILLS.

The SPEAKER. The unfinished business of the day covers the bills which were passed by the Committee of the Whole on Friday, September 5. The Clerk will report the first bill.

CLAIMS OF THE SIOUX INDIANS.

The Clerk read as follows:

A bill (H. R. 400) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims.

Mr. EDMONDS. Upon that bill, Mr. Speaker, I move the previous question to final passage.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the bill to final passage.

Mr. GANDY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GANDY. At what stage of this proceeding would it be proper to ask unanimous consent to take up in lieu of this bill a Senate bill on the calendar in identical language?

Mr. WALSH. It is too late now.

The SPEAKER. The Chair thinks that would be permissible at any time.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. Asking for my own information, and possibly that of other Members of the House, I would like to know whether it would be possible now, at this stage of the proceedings, when a certain bill had been approved by the Committee of the Whole and it is now before this House, to lay aside that bill, and whether another bill under the order for the ratification of private claims can be presented even by unanimous consent?

The SPEAKER. The Chair does not at first blush see why it could not be done.

Mr. WALSH. It would have to be done by a motion to recommit.

The SPEAKER. Does the Chair understand it is practically the same bill?

Mr. GANDY. Mr. Speaker, the bill is in identically the same language as amended by the Indian Affairs Committee.

The SPEAKER. The Chair does not see why that motion should not prevail.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Is the situation this, that the House in Committee of the Whole recommends the passage of this bill and has laid it aside with a favorable recommendation and it is now pending, and now comes the gentleman from South Dakota with an identical Senate bill?

Mr. GANDY. Which has come on the calendar in the meantime.

Mr. CLARK of Missouri. Which has come on the calendar in the meantime. It seems to me the way out of it is if the gentleman would press a motion to pass the Senate bill and then have the House refuse to pass the House bill.

The SPEAKER. It seems to the Chair that would be one way out of it.

Mr. MADDEN. Mr. Speaker, it seems to me that before consideration of this bill began was the time to substitute the Senate bill.

A MEMBER. It was not here.

Mr. MADDEN. If it was not here, then it ought not to be considered now.

The SPEAKER. Does the gentleman mean before proceedings began in Committee of the Whole?

Mr. MADDEN. Yes, sir; I do not see how, if the committee has reported a certain bill to the House for passage, you could substitute another bill for that bill except by unanimous consent of the House.

The SPEAKER. The gentleman asks for unanimous consent.

Mr. MADDEN. I object to that.

Mr. MONDELL. Mr. Speaker, if the gentleman will withhold a moment, this is the situation: Since the Committee of the Whole passed on the bill favorably the committee has amended the Senate bill so that it is identical with the House bill reported by the Committee of the Whole, and as thus amended the Senate bill was reported and is now on the calendar. If we should insist on passing the House bill and sending it over to the Senate after the Senate has passed a similar bill, it seems to me it would hardly be proper courtesy to the Senate. And, furthermore, we would delay the enactment of the legislation, because it will then be necessary for the Senate to pass the House bill, after having passed a Senate bill on the same subject.

Mr. MADDEN. At the same time the gentleman knows very well that the procedure he is suggesting is a violation of the rules of the House, and if you can twist the rules to meet any emergency that may arise after consideration of a bill by the Committee of the Whole House on the state of the Union, it might be done in a very important case. This is not so important.

Mr. WALSH. Mr. Speaker, the gentleman from South Dakota [Mr. GANDY] is asking unanimous consent. Now, it would seem to me that before the previous question was ordered the gentleman from South Dakota might ask unanimous consent that a Senate bill of a certain number be laid before the House. The House can then act upon the Senate bill, and after it acts upon it, instead of the gentleman from Pennsylvania moving the previous question upon the House bill he can make a motion to lay the House bill upon the table; but as far as trying to substitute one for the other by unanimous consent while we are in the House, I suppose it could be done, but I do not think it is very good practice at this stage of the proceedings.

The SPEAKER. The Chair is informed that the Senate bill as it passed the Senate is not identical with the House bill, that it was amended by the House committee. Is that correct?

Mr. GANDY. Yes.

The SPEAKER. Then it must go back to the Senate, at any rate. So what advantage would be gained?

Mr. GANDY. It would have the advantage in that the same bill would have passed both Houses.

The SPEAKER. No; if it was amended it would have to go back to the Senate.

Mr. GANDY. I am assured at the other end of the Capitol that these amendments are agreeable over there.

The SPEAKER. But it would have to go back to the Senate, anyway.

Mr. GANDY. Mr. Speaker, following the suggestion of the gentleman from Massachusetts [Mr. WALSH], I ask unanimous consent that Senate bill 1018 be laid before the House.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the bill (S. 1018) be laid before the House. Is there objection?

Mr. GARD. Reserving the right to object—

Mr. MADDEN. Reserving the right to object, inasmuch as the House committee has amended the Senate bill to conform to the House bill, there will not be any advantage in passing the Senate bill. It will have to go back to the Senate anyway, and the Senate might reamend it. You might just as well send the House bill to the Senate as to send the Senate bill amended by the House, and I object.

The SPEAKER. The gentleman from Illinois objects. The question is on ordering the previous question on the House bill. The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

ROSEBUD INDIAN RESERVATION, S. DAK.

The SPEAKER. The Clerk will report the next bill reported from the Committee of the Whole.

The Clerk read the title of the bill (H. R. 396) to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation, in South Dakota.

Mr. EDMONDS. Upon that I move the previous question.

Mr. WALSH. Will the gentleman withhold that for a moment?

Mr. EDMONDS. If I have the floor, I will yield.

The SPEAKER. The gentleman has the floor.

Mr. WALSH. How much do these damages amount to? I was unable to be here when this bill was considered.

Mr. EDMONDS. The gentleman from South Dakota can inform the gentleman.

Mr. GANDY. My recollection is that the damages amounted to something in the neighborhood of \$6,000. That is my recollection offhand. I am unable to give the gentleman the exact figures.

Mr. WALSH. All right.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the bill to the final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRANK S. INGALLS.

The SPEAKER. The Clerk will report the next bill.

The Clerk read the title of the bill (H. R. 685) for the relief of Frank S. Ingalls.

Mr. EDMONDS. Upon that bill I move the previous question to the final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

W. T. DINGLER.

The SPEAKER. The Clerk will report the next bill.

The Clerk read the title of the bill (H. R. 974) for the relief of W. T. Dingler.

Mr. EDMONDS. On that I move the previous question to the final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion by Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLARA KANE.

The SPEAKER. The Clerk will report the next bill.

The Clerk read the title of the bill (H. R. 6413) granting the sum of \$549.12 to Clara Kane, dependent parent by reason of death of William A. Yenser, late civil employee, killed as a result of an accident at the Philadelphia Navy Yard.

Mr. EDMONDS. Upon that, Mr. Speaker, I move the previous question to the final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit the bill.

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill H. R. 6413 to the Committee on Claims with instructions to report the same back to the House forthwith with the following amendment, to wit: On page 1, line 5, strike out the figures "\$549.12" and insert in lieu thereof "\$480."

Mr. EDMONDS. Upon that motion to recommit I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit. The question being taken, the Speaker announced that the yeas appeared to have it.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. The gentleman makes the point of no quorum present. It is quite evident to the Chair that a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members. As many as are in favor of the motion to recommit will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 7, nays 274, answered "present" 6, not voting 142, as follows:

YEAS—7.

Black	Connally	Lanham	Rayburn
Blanton	Jones, Tex.	Parrish	

NAYS—274.

Alexander	Andrews, Nebr.	Baer	Begg
Almon	Ashbrook	Bankhead	Benham
Anderson	Aswell	Barbour	Benson
Andrews, Md.	Ayres	Barkley	Blackmon

Bland, Ind.
Bland, Va.
Boies
Brand
Briggs
Brinson
Brooks, Pa.
Browne
Brumbaugh
Burdick
Burroughs
Byrnes, S. C.
Byrns, Tenn.
Campbell, Kans.
Campbell, Pa.
Candler
Cannon
Cantrill
Caraway
Carss
Chindblom
Christopherson
Clark, Mo.
Cleary
Coady
Collier
Cooper
Copley
Cramton
Crisp
Crowther
Cullen
Curry, Calif.
Dallinger
Darrow
Davis, Tenn.
Denison
Dent
Dewalt
Dickinson, Mo.
Dickinson, Iowa
Dominick
Doremus
Dowell
Drane
Dunbar
Dunn
Dupré
Eagan
Eagle
Elliott
Elston
Esch
Evans, Mont.
Evans, Nebr.
Evans, Nev.
Fairfield
Ferris
Fess
Fitzgerald
Flood
Focht
Fordney
Foster
Frear

Freeman
French
Gandy
Gandy
Gard
Garner
Garrett
Glynn
Godwin, N. C.
Good
Graham, Ill.
Green, Iowa
Greene, Mass.
Griest
Griffin
Hadley
Hamilton
Hardy, Colo.
Hardy, Tex.
Hastings
Hawley
Hayden
Hays
Heflin
Hernandez
Hersey
Hersman
Hickey
Hicks
Hill
Hoch
Holland
Houghton
Huddleston
Hudspeth
Hullings
Humphreys
Igoe
James
Jeffers
Johnson, Ky.
Johnson, Miss.
Johnson, Wash.
Jones, Pa.
Junt
Kearns
Keller
Kelly, Pa.
Kendall
Kennedy, R. I.
Kincheloe
King
Kinkaid
Kitchin
Klecza
Kraus
Lampert
Lankford
Layton
Lazaro
Lea, Calif.
Lehlbach
Leshor
Leshor
Linthicum
Little

Loneragan
Lubling
McCulloch
McDuffie
McFadden
McGlenn
McKiniry
McLane
McLaughlin, Mich.
MacCrate
Madden
Magee
Mansfield
Mapes
Mays
Michener
Miller
Minahan, N. J.
Monahan, Wis.
Mondell
Moon
Moore, Ohio
Moore, Pa.
Moore, Va.
Morgan
Mott
Neely
Nelson, Mo.
Nelson, Wis.
Newton, Minn.
Nicholls, S. C.
Nichols, Mich.
O'Connor
Ogden
Oldfield
Oliver
Olney
Osborne
Padgett
Park
Phelan
Platt
Pou
Purnell
Quinn
Radcliffe
Raine, J. W.
Raker
Ramsey
Ramseyer
Randall, Calif.
Randall, Wis.
Reber
Reed, N. Y.
Reed, W. Va.
Rhodes
Rickerts
Riddick
Rogers
Romjue
Rose
Rouse
Rowe
Rubey
Rucker

Sanders, Ind.
Sanford
Saunders, Va.
Scott
Sears
Sims
Sinclair
Sinnott
Small
Smith, Idaho
Smith, Mich.
Smithwick
Snyder
Steagall
Stedman
Steenerson
Stephens, Miss.
Stevenson
Strong, Kans.
Strong, Pa.
Summers, Wash.
Summers, Tex.
Sweet
Swope
Taylor, Colo.
Temple
Thomas
Thompson
Tillman
Timberlake
Tinker
Tinkham
Towner
Venable
Vestal
Vinson
Voigt
Volstead
Wason
Watkins
Watson, Pa.
Watson, Va.
Weaver
Webb
Welling
Welty
Whaley
Wheeler
White, Kans.
White, Me.
Williams
Wilson, La.
Wilson, Pa.
Wingo
Winslow
Wise
Wood, Ind.
Woods, Va.
Wright
Yates
Young, N. Dak.
Young, Tex.
Zihlman

ANSWERED "PRESENT"—6.

Booher
Box

Hull, Tenn.
Knutson

Major

Walsh

NOT VOTING—142.

Ackerman
Anthony
Babka
Bacharach
Bee
Bell
Bland, Mo.
Bowers
Britten
Brooks, Ill.
Browning
Buchanan
Burke
Butler
Caldwell
Carew
Carter
Casey
Clark, Fla.
Classon
Cole
Costello
Crago
Currie, Mich.
Dale
Davey
Davis, Minn.
Dempsey
Donovan
Doolling
Doughton
Dyer
Echols
Edmonds
Ellsworth
Emerson

Fields
Fisher
Fuller, Ill.
Fuller, Mass.
Gallagher
Gallivan
Garland
Goldfogle
Goodall
Goodwin, Ark.
Goodykoontz
Gould
Graham, Pa.
Greene, Vt.
Hamil
Harrison
Haskell
Haugen
Howard
Hull, Iowa
Husted
Hutchinson
Ireland
Jacoway
Johnson, S. Dak.
Johnston, N. Y.
Kahn
Kelley, Mich.
Kennedy, Iowa
Kettner
Kless
Kreider
LaGuardia
Langley
Larsen
Lee, Ga.

Longworth
Luce
Lufkin
McAndrews
McArthur
McClintic
McKenzie
McKeown
McKinley
McLaughlin, Nebr.
McPherson
MacGregor
Maher
Mann
Martin
Mason
Mead
Merritt
Montague
Mooney
Moore, Ind.
Morin
Mudd
Murphy
Newton, Mo.
Nolan
O'Connell
Overstreet
Palge
Parker
Pell
Peterson
Porter
Raine, H. T.
Reavis
Riordan

Robinson, N. C.
Robison, Ky.
Rosenberg
Rowan
Sabath
Sanders, La.
Sanders, N. Y.
Schall
Scully
Sells
Sherwood
Shreve
Siegel
Sisson
Slomp
Smith, Ill.
Smith, N. Y.
Snell
Steele
Stephens, Ohio
Stinson
Sullivan
Taylor, Ark.
Taylor, Tenn.
Tilson
Treadway
Upshaw
Vale
Vare
Walters
Ward
Webster
Wilson, Ill.
Woodyard

So the motion to recommit was lost.

The following pairs were announced:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. HUTCHINSON with Mr. ROBINSON of North Carolina.

Mr. LONGWORTH with Mr. HULL of Tennessee.

Mr. McARTHUR with Mr. Sisson.
 Mr. McPHERSON with Mr. MAJOR.
 Mr. PAIGE with Mr. CALDWELL.
 Mr. SHREVE with Mr. McANDREWS.
 Mr. TWEADWAY with Mr. BOOHER.
 Mr. RODENBERG with Mr. MARTIN.
 Mr. KENNEDY of Iowa with Mr. GALLAGHER.
 Mr. FULLER of Illinois with Mr. RIORDAN.
 Mr. LANGLEY with Mr. DOUGHTON.
 Mr. BUTLER with Mr. STEELE.
 Mr. WALTERS with Mr. BEE.
 Mr. VARE with Mr. BLAND of Missouri.
 Mr. TILSON with Mr. BUCHANAN.
 Mr. GOULD with Mr. PELL.
 Mr. NEWTON of Missouri with Mr. OVERSTREET.
 Mr. BROWNING with Mr. SHERWOOD.
 Mr. PETERS with Mr. MOONEY.
 Mr. JOHNSON of South Dakota with Mr. GOODWIN of Arkansas.
 Mr. SLEMP with Mr. McKEOWN.
 Mr. STINESS with Mr. JOHNSTON of New York.
 Mr. MUDD with Mr. CARTER.
 Mr. FULLER of Massachusetts with Mr. RAYBURN.
 Mr. COLE with Mr. SANDERS of Louisiana.
 Mr. HAUGEN with Mr. HAMILL.
 Mr. GREENE of Vermont with Mr. HOWARD.
 Mr. SELLS with Mr. MAHER.
 Mr. ACKERMAN with Mr. UPSEAW.
 Mr. STEPHENS of Ohio with Mr. KETTNER.
 Mr. PORTER with Mr. MONTAGUE.
 Mr. KAHN with Mr. GOLDFOGLE.
 Mr. REAVIS with Mr. MEAD.
 Mr. SNELL with Mr. LARSEN.
 Mr. MORIN with Mr. CASEY.
 Mr. MANN with Mr. CLARK of Florida.
 Mr. KLESS with Mr. FISHER.
 Mr. BOWERS with Mr. SMITH of New York.
 Mr. CRAGO with Mr. ROWAN.
 Mr. ANTHONY with Mr. TAYLOR of Arkansas.
 Mr. McLAUGHLIN of Nebraska with Mr. DAVEY.
 Mr. HASKELL with Mr. HARRISON.
 Mr. SMITH of Illinois with Mr. McCLINTIC.
 Mr. IRELAND with Mr. BABKA.
 Mr. NOLAN with Mr. O'CONNELL.
 Mr. GRAHAM of Pennsylvania with Mr. JACOWAY.
 Mr. COSTELLO with Mr. SABATH.
 Mr. BACHARACH with Mr. SULLIVAN.
 Mr. McKINLEY with Mr. DONOVAN.
 Mr. LUCE with Mr. DOOLING.
 Mr. KREIDER with Mr. FIELDS.
 Mr. BURKE with Mr. SCULLY.
 Mr. KELLEY of Michigan with Mr. GALLIVAN.
 Mr. GARLAND with Mr. HENRY T. RAINEY.
 Mr. KNUXTON. Mr. Speaker, I wish to withdraw my vote of "no" and answer "present." I am paired with the gentleman from Georgia, Mr. BELL.

The result of the vote was announced as above recorded.
 A quorum being present, the doors were opened.
 The SPEAKER. The question is on the passage of the bill.
 The question was taken, and the bill was passed.
 On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES M. MOORE.

The SPEAKER. The Clerk will report the next bill.
 The Clerk reported the title of the bill (H. R. 1812) making appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States, with an amendment.

The amendment was read.
 Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.
 The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.
 The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

T. THING AND S. A. THING.

The SPEAKER. The Clerk will report the next bill.
 The Clerk reported the title of the bill (H. R. 1853) to reimburse T. Thing and S. A. Thing for losses sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture, with an amendment.

The amendment was read.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

CARLOW AVELLINA.

The SPEAKER. The Clerk will report the next bill.

The Clerk reported the title of the bill (H. R. 5665) for the relief of Carlow Avellina, with an amendment.

The amendment was read.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

LOSS OF FIREARMS IN COLORADO.

The SPEAKER. The Clerk will report the next bill.

The Clerk reported the title of the bill (S. 253) for the payment of claims for loss of private property on account of the loss of firearms and ammunition taken by the United States troops during the labor strikes in the State of Colorado in 1914.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

FARMERS' NATIONAL BANK, WILKINSON, IND.

The SPEAKER. The Clerk will report the next bill.

The Clerk reported the title of the bill (H. R. 1761) for the relief of the Farmers' National Bank of Wilkinson, Ind., with amendments.

The amendments were read.

Mr. EDMONDS. Mr. Speaker I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to conform to the bill.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BUSINESS ON THE PRIVATE CALENDAR.

Mr. EDMONDS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. WALSH. Mr. Speaker, pending that motion, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. WALSH. Does the gentleman intend to consider only bills that are unobjectioned to?

Mr. EDMONDS. I would say to the gentleman from Massachusetts that while he was away attending to the duties of his committee we took up every one of these bills on the Private Calendar that were unobjectioned to. The bills that were objected to are now being considered in Committee of the Whole House. They have all had their turn in regard to unanimous consent, and the only way that we can take them up now is by taking up bills individually as they are placed on the calendar.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The Clerk will report the unfinished business.

MRS. THOMAS MCGOVERN.

The Clerk read the title of the bill (H. R. 5348) for the relief of Mrs. Thomas McGovern.

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. WALSH. I object to that.

The CHAIRMAN. The Chair is informed that the bill has been reported.

Mr. EDMONDS. The Chair is correct. Discussion was had upon it. The gentleman from Illinois [Mr. CANNON] had the floor for a part of his hour that he took to talk about the bill.

Mr. WALSH. But this starts the matter anew when we go over to another day.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Where objection is made to the bill after the reading of it, is it proper for the House to proceed to consider it until it has been read?

The CHAIRMAN. Not at all. The Chair is informed that this is the unfinished business and that the bill has already been reported.

Mr. BLANTON. It has been reported, but never has been read to the House, and the gentleman from Massachusetts objected to its consideration until it had been read.

The CHAIRMAN. The Chair is informed the bill was read to the House.

Mr. JEFFERIS. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. JEFFERIS. I wish to be heard to some extent on this bill.

The CHAIRMAN. This is a short bill, and without objection the Clerk will report it.

There was no objection.

The Clerk read as follows:

A bill (H. R. 5348) for the relief of Mrs. Thomas McGovern.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Thomas McGovern, the sum of \$5,000 for damages suffered by reason of her husband, Thomas McGovern, being struck and fatally injured by a Government motor truck which was driven by a regularly enlisted soldier of the United States Army.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. WASON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917."

MRS. THOMAS MCGOVERN.

The committee resumed its session.

Mr. BLANTON. Mr. Chairman—

Mr. CANNON. Mr. Chairman, I believe I had the floor.

The CHAIRMAN. The gentleman from Illinois.

Mr. CANNON. I do not recall how much time I had remaining of my hour, but I will reserve the remainder of my time. The gentleman from Pennsylvania says he has some additional evidence—

The CHAIRMAN. The gentleman from Illinois consumed 20 minutes.

Mr. CANNON. I reserve the remainder of my time.

Mr. BLANTON. A point of order.

Mr. EDMONDS. Mr. Chairman, I would like to secure recognition.

The CHAIRMAN. The gentleman from Texas will state his point of order.

Mr. BLANTON. Do we not proceed de novo with respect to the present consideration of the bill?

The CHAIRMAN. The Chair is informed that this bill has been partially considered.

Mr. BLANTON. But where a gentleman has used some time in a former Committee of the Whole, is the gentleman from Illinois entitled to a full hour?

The CHAIRMAN. He is not, he is entitled to the remainder of his time.

Mr. EDMONDS. I would like recognition.

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. EDMONDS. I yield 15 minutes to the gentleman from Nebraska [Mr. JEFFERIS].

Mr. JEFFERIS. Mr. Chairman, I introduced this bill, it being the only available tribunal to which Mrs. McGovern could pre-

sent a claim for the death of her husband. Had she been so unfortunate as to have lost her husband through the negligence of any private institution or corporation I believe I am safe in saying to this House that upon bringing suit in the courts under the laws of the State of Nebraska she would have been able to recover from \$10,000 to \$20,000 for the loss that she sustained through the death of her husband. Now, the question is whether or not the Government of the United States, acting through Congress, is to deal as justly with individuals suffering such losses as the laws require that individuals and corporations shall be compelled to do through an appeal before a jury in the county where the acts have occurred. According to the facts in this case, Mr. McGovern was walking northward on Seventeenth Street on the left-hand side of the sidewalk and attempted to cross Cass Street, running east and west, the same being a street some 60 feet in width between curb and curb.

SEVERAL MEMBERS. Where?

Mr. JEFFERIS. At Seventeenth and Cass Streets in the city of Omaha. On this evening, about 6 o'clock, Sergt. Ens, a regular enlisted soldier, accompanied by a young man by the name of Dewey, were taking a Cadillac car from a repair shop to Fort Omaha just to the north of the city, drove northward on Seventeenth Street, and cut the corner, the southwest corner, almost striking the curb, and the car came in contact with Mr. McGovern as he was walking across Cass Street. According to the evidence in this case as submitted to the Committee on Claims and as investigated by the authorities in charge at Fort Omaha, the soldier authorities, the evidence seems to be firmly established to the following effect: That the sergeant in driving this Cadillac car was violating the law as to negligence in driving a vehicle on the streets of Omaha in four particulars, namely, that he was exceeding the speed limit at intersections of streets, driving, according I think to the weight of the evidence, from 15 to 17 miles per hour, whereas the law of the State and the ordinances of the city require that in turning corners at intersections they shall not exceed the rate of 8 miles per hour. The law and the ordinances provide that in making turns at intersections they shall go out around the center, whereas this particular soldier on that night drove on the left-hand side, the wrong side of the street, without sounding, as I take it, although there is a dispute as to that evidence, any horn, but if he did it must have been slight and it was a misty night and dark. Now, there is some evidence from reports of the officers in the report that has been sent in to the committee since this claim was here before which, in my opinion, only corroborates and substantiates that which was here before the Congress when the bill was under consideration some days ago.

It happened that I was not present on that day and was not in a position therefore to advise the Congress as to anything I might know about this bill personally or as to the local situation. According to the evidence that has been now reported to the committee it seems that the officers at Fort Omaha investigated this transaction immediately after it occurred, and according to the evidence it would appear to me that the claim is even stronger than that which was presented to the committee originally. There was a contention made that this automobile did not really run to exceed a few feet after it struck Mr. McGovern, whereas from the evidence, as revealed by the testimony taken by the officers at Fort Omaha immediately after the occurrence, it appears that the front wheel and the hind wheel on the right-hand side of the automobile passed over the body of the deceased. This is conclusive evidence not only that the car did go more than 6, 7, or 9 feet after it struck the deceased, because we all must know that a Cadillac car exceeds that number of feet in length very decidedly.

So, taking the evidence in this case into consideration, it seems to me that Mrs. McGovern is entitled to the amount of this bill if this Government is to deal as justly with individuals who suffer losses through the negligence of some of their departments of activity as is required by law with other individuals. The amount is \$5,000. I want to say to this House that \$5,000 for the loss of a life under the conditions shown by this evidence seems to me most moderate; that Mrs. McGovern, if allowed the same, is dealing more than fair with this Government. As a matter of fact, Thomas McGovern had been a valuable citizen of that city. While he and I did not agree politically, nevertheless he at all times was actuated by high motives in the discharge of public duty. He had at one time been city commissioner of the city of Omaha, when the board became a nonpartisan body, and rendered service to that city for a number of years. Further than that, I would say there was some talk that he was guilty of contributory negligence, but for my part I can not see from the evidence or facts in this case how any such imputation can be laid at the door of the deceased. He was walking north on the left-hand side of the street; he started to cross a street that is 60 feet between the curbs; he was moving

northward, and he had no notice of any kind, as I can find from the evidence, to indicate that a soldier or anyone else was approaching him from the rear and was going to cut the corner on the wrong side of the street and run into him from the rear and knock him down and kill him, as occurred in this case.

Certainly, unless Congress is going to ask that a man shall have eyes in the rear of his head in order to observe such actions and conduct on the part of those who are driving automobiles as in this case, then he should at least be relieved of any such charge or imputation as has been intimated.

I believe as thoroughly as I believe anything, after having practiced law for 25 years in the city and tried such cases for both the defense and for the plaintiff, that if this cause was such from a legal standpoint that it could be submitted to a jury and to court, under competent instructions, Mrs. McGovern, instead of being allowed \$5,000, would be allowed a verdict of from \$15,000 to \$20,000, and that it would be approved by the higher courts of our State.

Now, if anybody wishes to ask any questions I shall be glad to try to answer them.

Mr. GARD. Mr. Chairman, there are certain of us who are sympathetic with the claim the gentleman has introduced, but desire to know whether the committee had before it all the evidence which might have been brought before it, so that the claim might be fully understood and, as understood, presented to the House. What I should like to know, and what I made inquiry about when it was presented before, was as to whether or not the evidence of the driver of the machine, of this Cadillac car, in the Government service, had been considered, and also whether or not there had been any investigation by the War Department, for whom this driver was working, and what the investigation disclosed? These were the things certain of us were anxious to know and whether they had been presented to the committee; and I would like the gentleman to advise me.

Mr. JEFFERIS. I will say in reply to the gentleman that here recently an entire report, as I understand it, of the War Department has been presented to the committee. I secured a copy of that a couple of days ago, but it only reaffirmed, in my opinion, the evidence that was actually before the committee at the time they recommended this bill for passage. In other words, this report from the War Department shows that there was an investigation made at Fort Omaha immediately after this accident, and that the evidence was taken, by questions and answers, of a Miss Wilson and likewise a Mr. James, and the War Department really filed charges against the driver of the automobile. But that was not on the question of negligence. I will read just a part of it:

Sergt. Ens, the driver, was tried by general court-martial and acquitted. He was charged with violation of the ninety-sixth article of war, the specification alleging that "by improper driving" he did "run over and fatally injure Thomas McGovern, a citizen of Omaha, Nebr." The theory of the prosecution, which the defense did not dispute, was that if Ens was negligent in driving the car such negligence would constitute conduct prejudicial to good order and military discipline; but whether the court decided the issue of negligence in Ens's favor, or whether it was of opinion that, even if Ens was negligent, such negligence as that with which he was charged would not amount to conduct prejudicial to good order and military discipline within the meaning of article of war 96, does not clearly appear. The testimony against Ens adduced at the trial would be sufficient to sustain a finding (were one made) to the effect that he was driving at from 15 to 20 miles per hour; that he had no lights on and sounded no warning signal as he turned from Seventeenth Street into Cass Street; that he crossed Seventeenth Street diagonally, cutting the southwest corner very close to the curb; that, because of a fine mist, it was difficult to see through the wind shield, which was clouded with mist; and that Ens did not take proper measures to enable himself to see objects ahead, and did not see the deceased in time. The testimony adduced in favor of Ens, on the other hand, would be sufficient to sustain a finding (were one made) to the effect that Ens was driving at from 7 to 10 miles per hour; that the lights of the automobile were burning properly, and that the street was otherwise well lighted; that he sounded a proper warning; and that he turned properly into Cass Street near the center without unduly approaching the southwest corner. The testimony would sufficiently support a conclusion of negligence, if such conclusion were reached by a jury, and it would sufficiently support either of the alternative conclusions that the deceased, through want of attention, was guilty of contributory negligence, or that he was not guilty thereof.

In other words, as I review the charge and report as made by E. A. Kreger, the Acting Judge Advocate General, the real question of negligence could throw no light on it. It is a question of whether or not it was so negligent as to be destructive of military discipline.

Mr. BOX. Will the gentleman yield?

Mr. JEFFERIS. Certainly.

Mr. BOX. I understood the gentleman to say that he thought the claim could be maintained on the evidence in the courts of his State. I understand in many jurisdictions the question of the measure of damages, the money value, enters in the question of compensation in such cases. I wonder if there is any evidence as to the age and productive power of the deceased, or as to what his money value to his family was?

Mr. JEFFERIS. I would say that I do not know as there was any particular evidence offered before the committee in that respect, but I can say here that I was personally acquainted with Thomas McGovern; that he had worked for a long number of years in the Union Pacific shops as a foreman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JEFFERIS. I would like time in which to answer the question.

Mr. EVANS of Nebraska. Would the gentleman like five minutes more?

Mr. JEFFERIS. No; only sufficient time to answer the question.

Mr. EDMONDS. I yield to the gentleman two minutes more.

Mr. JEFFERIS. I would say that also he was elected commissioner of the city of Omaha. He had the salary of that position, which, as I remember, was \$5,000 a year, and after that he went into the insurance business, and, as I understand it, was making a success of it. He was 55 years of age; he had a family of nine children, and I am here to vouch for the thorough Americanism of all of them.

Mr. MILLER. Will the gentleman yield?

Mr. JEFFERIS. I will.

Mr. MILLER. The gentleman speaks about the testimony introduced before the committee. What was the character of that testimony? Was it ex parte affidavits, given upon notice, or how was it done?

Mr. JEFFERIS. Ex parte affidavits. But now we have here before the Congress the testimony that was taken by the questions and answers of Army officers immediately after this and before Mrs. McGovern or anyone else would have had any influence with the witnesses.

Mr. MILLER. Will the gentleman state who made those ex parte affidavits, and how many were filed?

Mr. JEFFERIS. Of all the eyewitnesses there were two, Mr. James and Miss Wilson, and there was a man by the name of Dewey, who was accompanying the lieutenant at the time this accident occurred, and according to the evidence, as I view it, Mr. Dewey, who was accompanying the lieutenant, seems to have made contradictory statements. In one place he talks of the speed of the automobile as having been from 5 to 7 miles an hour, whereas according to the report of Lieut. Hersley, of Fort Omaha, he seems to have had it from 12 to 15 miles an hour, whereas Miss Wilson says it was from 15 to 17 miles an hour, and Mr. James shows that it was far in excess of the speed limit.

Mr. MILLER. Was any inquiry held by the coroner, or any decision arrived at through that channel?

Mr. JEFFERIS. Under the law there it would not be necessary to reach any decision touching the question of negligence, only to ascertain the cause of death.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. JEFFERIS. Yes.

Mr. FOCHT. It seems to me the one question to be decided here is as to the violation of the city ordinance.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. FOCHT. Mr. Chairman, I ask that the gentleman may have one minute more.

Mr. EDMONDS. I will yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Nebraska is recognized for three minutes more.

Mr. FOCHT. Whether in approaching this corner the driver of the car, instead of going to the right, as provided by the ordinance, went to the left and struck the man?

Mr. JEFFERIS. Yes.

Mr. FOCHT. That has been well established?

Mr. JEFFERIS. Yes; that has been well established.

Mr. FOCHT. It seems to me that is all there is in the case.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. JEFFERIS. Yes.

Mr. OLIVER. What precedent can the gentleman point to that would justify Congress in taking action of this kind? Has Congress undertaken in other similar instances to make appropriations to pay such claims?

Mr. JEFFERIS. I would say in reply to that that I am not as well advised on these questions, I take it, as those who have been here in former terms. I have not any information to give the gentleman on that question.

Mr. OLIVER. It seems to me a new and dangerous proposal to take up cases of this kind and appropriate money to pay same.

Mr. BLANTON. Mr. Chairman, will the gentleman yield to me?

Mr. JEFFERIS. Certainly.

Mr. BLANTON. The gentleman is probably aware that in San Antonio, Tex., just such a case occurred, only with greater severity; where two old ladies, as I understand, were run over, and so on. Those cases have been pending here for years, with an adverse report from the War Department on them. The evidence showed just as great negligence on the part of the soldier driving down the street in San Antonio. Then I call the gentleman's attention to a case in Houston, Tex., where rioting soldiers went down the street and shot right and left, and no action has been taken on those cases.

Mr. JEFFERIS. That is not germane to anything we have been discussing here. The proposition is that this House is the one tribunal that Mrs. McGovern can appeal to. The fact is the evidence shows and establishes negligence, and the question is whether this great Government of ours and Congress are to deal as fairly with people who have suffered such loss as the laws require other people to deal under such conditions and circumstances.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. JEFFERIS. Yes.

Mr. REED of West Virginia. If the driver of this car had been a man of means or wealth, would not action lie against him individually?

Mr. JEFFERIS. Undoubtedly; and the recovery would not have been less than \$10,000.

Mr. EVANS of Nebraska. Mr. Chairman, will my colleague yield?

Mr. JEFFERIS. Yes.

The CHAIRMAN. The time of the gentleman from Nebraska has again expired. The question is on laying aside the bill with favorable recommendation.

Mr. CANNON. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. WALSH].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. WALSH. Mr. Chairman, of course we are all very much touched by the eloquent appeal of the gentleman from Nebraska [Mr. JEFFERIS]. It is a very pathetic case. But I think Congress ought to stop and consider a bit before it starts in legislating along this line.

Here was a case where, when the country was in the midst of a great war, according to the report in the case, a soldier in the performance of his duty accidentally killed a private citizen. The gentleman from Nebraska, the accident having occurred on October 26, 1917, asks Congress to appropriate, for the widow of the deceased, \$5,000 outright.

Now, of course, there is no liability on the part of the Government for that, and there ought not to be unless they can prove by the clearest evidence that there was gross negligence on the part of the servant of the United States and that the man who was killed was free from any contributory negligence. And I doubt even then if we ought to establish a rule that when a soldier of the United States Army, particularly during war time, in the performance of his duty accidentally kills a private citizen, we shall establish liability on the part of the Government for that act.

Now, of course, if we were sitting as a court we would refer to the records in the case and we naturally would ask what the recommendation of the department is. There is no recommendation on the part of the department. There is evidence, as I read the report, that there was ground for believing that the gentleman who was killed, a worthy citizen, was not in the exercise of reasonable care and might have been guilty of contributory negligence.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. OLIVER. Rather than pass a special bill in a case of this kind, would it not be safer, if Congress decides to hold the Government liable in all such cases, to give the Court of Claims or the district courts jurisdiction for the tortious acts of its employees and make the Government liable for all such cases?

Mr. WALSH. If we are going to establish a precedent upon which this committee shall in future act, I will venture to say you will find the Private Calendar crowded with such instances. I ask the Committee on Claims or the Committee on War Claims—whichever committee this came from—to point to some precedent where the Government has paid damages for the death of a private citizen during war where an accident occurs and was participated in by a member of the United States Army.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. EDMONDS. I would like to say that I rather think that this is establishing a new precedent. I do not remember of a case

just like this. There are a few cases pending in the committee, quite a few, similar to this, that will be coming along for damage cases or death claims.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. LITTLE. Congress has established several precedents. One of them just occurred this session in the case of a bill introduced by Congressman VINSON, where soldiers were shooting at a mark and killed a man and Congress paid his widow \$7,200. I think the gentleman from Massachusetts voted for it.

Mr. WALSH. Was that passed recently?

Mr. LITTLE. Yes. The gentleman was here and participated in the debate, and I am quite sure he voted for the bill.

Mr. WALSH. I do not recall the measure.

Mr. LITTLE. If the gentleman will look up the record, he will find that he made some inquiry, and the gentleman from Georgia [Mr. VINSON] answered him. I was acting as chairman of the Claims Committee on the floor that day. This man was shot through the carelessness of soldiers. The soldiers of the Government established targets to shoot at. They were careless in their methods of doing it and killed a man who was attending to his own business, and this Congress passed a law, or this House passed it at this session, authorizing the payment to the widow and orphans of \$7,200 on account of the negligence of the soldier. The gentleman from Massachusetts participated in the discussion of that bill.

Mr. WALSH. But if the gentleman will recall he will find that my inquiries were not in support of that measure, but were asking how the amount was arrived at, and when the measure went to a vote I think the gentleman will recall that I voted against it.

Mr. LITTLE. I thought not.

Mr. EDMONDS. I do not like to differ with any other member of the committee, but I think the cases are not similar. The man in Georgia was killed by a shell that was not properly directed, and it was not a case where you could claim that the man could in any way have been guilty of contributory negligence, because he was not in any position where he could know he was in danger. In Georgia the range had been marked out and guarded. This man who was killed was outside of the range, and he certainly contributed nothing toward his death. In the present case there is a question of contributory negligence beyond any question.

Mr. LITTLE. If the gentleman will yield, the gentleman from Pennsylvania is not an attorney, and any lawyer will understand that it is incumbent upon the defendant in all cases to prove contributory negligence where it is sought to be maintained as a defense. There is nothing of that in this case. The plaintiff does not have to prove that he is not guilty of contributory negligence. The defendant has got to prove affirmatively that the plaintiff was guilty of it. There is nothing in that contention at all. As to not knowing what the facts are, every lawyer here who has ever tried a lawsuit knows that the presumption is that the man was trying to save his own life, and in order to get any benefit at all of the defense of contributory negligence it has got to be affirmatively established. Every lawyer who has ever tried a damage suit knows that.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. WALSH. I do not think I ought to yield to gentlemen to argue the case.

Mr. BLANTON. Will the gentleman yield to me?

Mr. WALSH. For a question.

Mr. BLANTON. In the Georgia case the War Department recommended the payment.

Mr. WALSH. Furthermore, it seems that this driver was court-martialed for a violation of one of the Articles of War, namely, that he, by improper driving, did run over and fatally injure this citizen, and upon the court-martial he was acquitted.

Mr. JEFFERIS. The acquittal may have been on the ground that it did not come within the Articles of War, even though he did drive over the man.

Mr. WALSH. He was charged with a violation of the ninety-sixth article of war, but he was acquitted. Now, it may have been that the charge laid against him was not a violation of the article of war, but he was acquitted. My point is simply this, that I doubt whether now, at this particular time, we ought to establish a precedent and say here, sitting as a jury, supposed to be the custodians of the Public Treasury, that for this accident, which happened, from all the evidence, as the result of the act of a soldier of the Army while the country was at war, running down a citizen and injuring him so that he subsequently died, we ought to reach into the Treasury and pay \$5,000. It is simply a gift, a gratuity.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. JOHNSON of Washington. Following that line, what are we likely to do in cases that will come up here? I have one where an Army driver, driving absolutely on the wrong side of the street on a public highway at full tilt, in the dead of night, ran down a man who was riding a motor cycle and cut off his legs.

Mr. WALSH. What we ought to do is this: If this Congress is disposed to grant relief in these cases, we ought to pass an act conferring upon the Court of Claims jurisdiction to hear these cases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. Will the gentleman yield to me five minutes additional?

Mr. CANNON. I yield to the gentleman five minutes.

Mr. WALSH. Let the Court of Claims make their findings of fact and report them to Congress.

Mr. JOHNSON of Washington. I think it will be developed that in nearly all these cases the inquiries of military courts are conducted with a view of showing that the soldier was not to blame. Such a report comes in this case in spite of all the evidence that the man was driving at a full rate of speed on the wrong side of the road. Notwithstanding that, a court composed of soldiers found the other way.

Mr. WALSH. I suppose that if a soldier was driving an ambulance carrying a wounded comrade under orders to get somewhere as quickly as he could, and he happened to be on the wrong side of the road and struck somebody and broke his leg, the gentleman would say that because the soldier was acting in accordance with orders Congress ought to sit here as a jury and assess damages.

Mr. JOHNSON of Washington. No; I will admit that if the country was under martial law and those things were permitted, that would present a different case; but in this instance what the man did was in violation of every county ordinance and State law.

Mr. WALSH. Yes; but the gentleman wants to recall that when this accident happened this country was in a state of war, and that this soldier was one of the military forces of the United States. Now, there were a number of men in the military forces who were not fortunate enough, perhaps, to take out insurance, and who paid the supreme sacrifice.

Mr. JEFFERIS. I take it that if this man was killed by a soldier in battle nobody would ask for it. But the soldier was pursuing the part of a citizen in the street, and he ought to obey the ordinance, because there was no hurry-up order.

Mr. WALSH. I will say to the gentleman from Nebraska that you can not separate the soldier from the military branch of the service by simply saying he was driving an ambulance, therefore was pursuing the part of a civilian. He was a part of the military branch of the service, and under the precedents and under the law there is no liability on the part of the Government.

Mr. CANNON. Mr. Chairman, I reserve the balance of my time.

Mr. GARD. Will not the Chairman advise us as to how the time allotment now stands.

The CHAIRMAN. The gentleman from Pennsylvania has 15 minutes, the gentleman from Ohio 29 minutes, and the gentleman from Illinois 13 minutes.

Mr. EDMONDS. Mr. Chairman, to my mind, after going over the testimony in this case, there is no question but that Thomas McGovern was in his full rights on the streets of Omaha. We have a map showing where he stood and showing where the truck should have gone. The only question I am doubtful about is this: This is going to establish a new precedent where there is a question as to whether the man was guilty of contributory negligence in not taking proper precautions on the highway. I think the reason why the War Department has not made any recommendation is because this driver was on the wrong side of the street. I asked the War Department what regulations they made in regard to drivers of trucks, so that we might know whether the trucks run wild or whether they had any regulations requiring the drivers to operate in the different streets in the cities of the country. They told me that in all cases men were required to abide by the local laws of the place where they were driving.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. EVANS of Nebraska. Is it not a fact in this particular case the soldier was driving a Government car from where it had been repaired; that he was on the wrong side of the street, while McGovern was wholly within his rights?

Mr. EDMONDS. Yes.

Mr. LINTHICUM. Let me ask the gentleman from Pennsylvania, is there not a fund in the hands of the War Department out of which they can adjust claims of this kind?

Mr. EDMONDS. I am not sure about that. There is in the hands of the War Department funds from which they can adjust certain claims, but whether this claim comes within that class I do not know. There is a limitation, I think, that no claim above \$500 can be adjusted; and I do not think it would cover a case like this.

Mr. LINTHICUM. I know that they have adjusted certain claims.

Mr. EDMONDS. I think it does not apply to cases like this. Mr. HARDY of Texas. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. HARDY of Texas. The gentleman has heard all the evidence in this case and is familiar with it, and I want to ask him, Would the widow of the deceased, in his opinion, have a good case?

Mr. EDMONDS. I think she would have an excellent case. Mr. Chairman, the only question we have brought before the House is for the House to settle the policy it wishes to pursue in this class of cases.

I would like to suggest to the House, in the settling of these cases, if it decides to pay a sum of money to these people, this widow and orphans of the man who has been killed by a man in the Army, would it not be well to put them under the war-risk insurance and give them the same sum of money that you would give the wife of a soldier who was killed in war? I do not know whether this sum would be proper or not. It may be that we ought to give less and it may be that we ought to give a larger sum.

Mr. Chairman, I yield the balance of my time to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, there has been some inquiry whether this party could recover against a private corporation. As to that I think I may safely say that there is no question whatever. It has been demonstrated without the slightest contradiction that this driver was on the wrong side of the street with the automobile; that was the proximate cause of the death. If he had not been there he would not have killed this man. It has also been demonstrated that the automobile did not have any light that anybody could see. If it had had a light, it is safe to say that the man would have avoided the danger. There are two instances of gross negligence. Any court would have to rule that that was sufficient ground to go to the jury. It has been suggested that the man was guilty of contributory negligence. Gentlemen, every judge and lawyer knows that there is no presumption of contributory negligence—that you have to prove it. If there was no evidence of it, the court would instruct the jury to disregard that defense. The presumption of law is that when a man is killed, he was doing his duty to protect himself, that the natural instinct of life was taking care of himself, and the court would so instruct the jury. Probably every lawyer here who has ever had a damage suit has had such instruction. So the presumption of law is that he is not guilty of contributory negligence. There is no evidence whatever that he was, and every lawyer here ought to see at a glance that there could not be any possible defense, and that a private corporation would have to pay.

But that is not the argument that is really made here. They go on and say that we ought not to donate the money. Within a few days we have donated \$7,500 each to the widows of two Congressmen. Where is your law for that? Is there anyone crying out against that? What law is there that authorizes you to say to a Congressman's widow, "Take \$7,500," and would say to a poor woman whose husband is killed by an agent of the United States, unjustly and improperly, "We can not pay you." I hope men will hesitate before they put themselves in such a position. Oh, they say, we have no precedent for this. Oh, yes; there are many precedents. The gentleman from Nebraska [Mr. ANDREWS], who has been down in the department for years, just directed my attention to one which I had not thought of for the moment. Some one was hurt in an elevator, and the Government paid him for it. A mere passenger I think. Congressman VINSON's case was one where soldiers were shooting at a target and killed a man, and this Congress passed a bill and gave \$7,200 at the request of the War Department. It has been stated that this particular soldier was acquitted by a court-martial. So was that one—not by a court-martial, but by a board, and the higher officers decided that he was guilty of negligence. What is the difference between a widow in Alabama and one in Omaha?

In both cases there was gross negligence and in both instances the facts are such that the payment is justified.

That is not all. It has been suggested by the gentleman from Maryland [Mr. LINTHICUM] that if you go to the War Department with a property claim they will pay you any minute. Is a little bit of property of more value than life and blood?

What could a woman have more valuable than her husband? You in this House passed a law a few months ago in which you authorized the Secretary of War, without any serious examination, without any judicial examination, to pay every unliquidated damage claim any contractor could ask him to pay, and you have turned loose something like \$4,000,000,000 down there for the Secretary to hand out to anybody who has an unliquidated damage claim who can convince two or three clerks down there he ought to have it paid. Are you going to say to this widow that she shall not have \$5,000, when you pay over to contractors great sums, when the contractors had not even written contracts, and have done what they did in violation of law—up to the amount of \$4,000,000,000? You passed a law in the last Congress to authorize the Secretary of War to pay every peasant in France whose pig was run over, just as this man was by an American soldier, for the value of the pig. Are you going to tell this woman that her husband is not as good as a hog in France? You said that the War Department could take your money and pay any peasant in France for any damage done by an American soldier. The War Department sent that bill down here so that it included pay to Germans, for it said that pay should be granted to people anywhere in Europe. I noticed that fallacy—of course, it was unintentional upon their part—and had it cut out, but when you pass a law that a lieutenant in France can pay a peasant for a pig that a truck has run over, on what theory are going to argue that this woman should not be paid for her husband who was run over?

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. LINTHICUM. I am in favor of the bill, but I would like to know how you arrive at the sum of \$5,000?

Mr. LITTLE. It is the consensus of opinion; just like a jury.

Mr. LINTHICUM. If the Government is responsible, more than that ought to be paid.

Mr. LITTLE. I thought so; but I was willing to compromise, just as a jury would.

Mr. JOHNSON of Washington. And if this man had been a native of some other country, say, Italy or Greece, would not that country, through its consular agents, at once have made claim for damages for the man's life and have fixed a sum very much in excess of \$5,000?

Mr. LITTLE. Oh, yes. Thirty or forty years ago down here in New Orleans we had to pay the Italian Government for several Italian citizens killed down there by a mob.

Mr. JOHNSON of Washington. Oh, anywhere.

Mr. LITTLE. Yes. We have to pay for everyone except an American citizen.

Mr. REED of West Virginia. Is it not true that if Mr. McGovern had been in the service of the country in any capacity he would have been paid?

Mr. LITTLE. Yes; his widow would have gotten a pension probably. I think the gentleman from Illinois [Mr. CHINDBLOM] indicated that he wanted to ask me a question.

Mr. CHINDBLOM. My question related to the payment by the War Department for damages to property, and the gentleman from Maryland seems to have covered that.

Mr. LITTLE. You pay for everything, for a hog in France, for a prospect in this country, for a dead man in Alabama. There is no question of illegality about this. This case is proven absolutely. The amount is reasonable. Lots of verdicts are for more. It is a fair and equitable transaction, and as far as precedent is concerned, this Congress can afford always to set the precedent of doing right. You set it before in Vinson's case and in the case the gentleman from Nebraska [Mr. ANDREWS] suggested to me, and my recollection is that there are a great many of them. This does not set any new precedent. The Government of the United States has been doing right for a good many years. It takes care of property, it takes care of the lives of foreigners. Many of you remember about the Italians for whose lives we had to pay, who were killed in New Orleans.

Now, gentlemen, let us do right; let us not quibble about this. I do not want to waste the money of this Government; I voted against paying these mere unliquidated damages when the proposition came up here. I do not think any gentleman who voted for that would be consistent in quibbling about voting a few thousand dollars to this poor woman. Is not life in this country more valuable than property? Let us go ahead and do right. [Applause.] I yield the remainder of my time back.

Mr. RUCKER. Mr. Chairman—

The CHAIRMAN. The gentleman from Missouri asks for recognition in his own right?

Mr. RUCKER. I do.

The CHAIRMAN. The gentleman is recognized for an hour.

Mr. RUCKER. Mr. Chairman, I shall not use that hour; I

will give some of it to the gentleman from Kansas before I get through. Mr. Chairman, this discussion to-day has taken a wide range. Some gentlemen present it purely from a sentimental standpoint, the equitable viewpoint; others present it from the legal standpoint. One is an appeal to our emotions and the other is an appeal to us as jurists or jurors who sit here solemnly to determine the value of human life and make compensation in money for such life. The gentleman who recently addressed the committee, the gentleman from Kansas [Mr. LITTLE], cited a number of cases in which the Government has recently made compensation for lives which have been lost, but the gentleman well knows that in most of the cases, perhaps all of them, but most of the cases at least cited by him, the parties who were deceased were employees of the Government and paid under a law enacted by the Congress to take care of and give protection to men who are engaged by the Government in hazardous duties. There is no parallel whatever with this case. The Georgia case, some case from Georgia referred to—the most that can be said about that was that that had evidently slipped through without the kind of debate and consideration this bill is receiving, because that ought not to have been paid, in my judgment. Now, I will allow no gentleman to place me in antagonism or opposition to appeals, to wails of people who have been bereft of a husband. I respond in sympathy as much as any gentleman here, but we are not here to give expression to our personal sympathies. We are here to engage in the performance of a duty under a solemn oath. We must perform a duty, not do a kindness or extend a benefit or give a bounty out of public funds. Who pays that tax? It is not ours. We have no right from the purely sentimental standpoint to sit here and exhaust the Treasury of this Republic. We are called upon to determine whether or not the ordinances of the city of Omaha were violated by some soldier, a lieutenant, I believe—

A MEMBER. A corporal.

Mr. RUCKER. A corporal. My God, I have not seen a lieutenant, in my judgment, who has not violated the ordinances; most of them do; but must the Government of the United States respond in damages every time one of these fellows with straps on his shoulders drives too fast? Why, Mr. Chairman, as young and athletic as I am [laughter], it is difficult for us to-day, with the aid of two policemen here, to get over to the House Office Building without being run down by a machine, the most of them having "U. S." on it, too, and a colonel or major or captain frequently in it. My Lord, I serve notice now I will quit this Congress and be willing to pay the sum back for my loss if one of these people run over me accidentally or designedly. [Laughter.]

Mr. JEFFERIS. Does not the gentleman think Congress has been wasting money to protect us in walking across the street by hiring two officers to guard us?

Mr. RUCKER. I do not think it is a very lucrative salary or even they are receiving more pay than they are earning.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. RUCKER. I will.

Mr. HARDY of Texas. I desire to satisfy myself in regard to my vote on this bill. I understood the gentleman to say the illustrations presented by the gentleman from Kansas are in most cases where an employee of the Government had run down or killed accidentally some other employee of the Government.

Mr. RUCKER. In the performance of his duty.

Mr. HARDY of Texas. Does the gentleman think the Government owes any higher duty in the protection of its employees than it does in the protection of the average citizen?

Mr. RUCKER. I think it may be properly said in a qualified way, yes, because many of the employees whom the Government engages are in a hazardous service.

Mr. HARDY of Texas. Does the gentleman think the Government has more right illegally to take the life of the private citizen than it has to take the life of a Government employee?

Mr. RUCKER. No; the gentleman misunderstood my statement or I have been unhappy in my remarks. I have not said anything of the sort, because the Government ought not to take any man's life, of course.

Mr. HARDY of Texas. The thought in my mind is this, that the Government has an equally high obligation to care for and avoid the taking of life or injuring of a citizen whether he be in the Government employ or in private employ, and that the obligation is just as high to avoid an illegal injury to the private citizen as to an employee of the Government.

Mr. WALSH. Will the gentleman yield?

Mr. RUCKER. I would like to proceed for a few minutes. I yield.

Mr. WALSH. Does the gentleman from Texas think that the Government of the United States should be put under the obligation to obey the commands of municipalities who might make

ordinances governing their local affairs, and, if so, is not that requiring the Government of all the people to obey the commands and laws and regulations of a very small part of them?

Mr. HARDY of Texas. To be clear and explicit in my view of the matter, it occurs to me that the agents of this Government, in doing any work or labor in any part of the United States, are subject to the same laws that agents or employees of anybody else are, and if they do an illegal act somebody ought to be responsible; that is to say, the United States as an employer ought to have the same obligations, responsibilities, and liabilities as any other employer.

And while it may be a burden, and this may be a precedent, and I do not like to set it by legislative enactment, I would rather pass this bill than deny justice; yet I would rather pass a law under which the courts of the country could determine in every case whether or not the claim was just.

Mr. WALSH. Of course, if the gentleman follows his theory to the ultimate conclusion, it will result in dispensing with the United States courts, because there will be no need for them. You could just go into the State courts in the several jurisdictions on the same basis as private citizens.

Mr. HARDY of Texas. On the contrary, if my idea is followed to the conclusion, we would establish a right to go into a Federal court and sustain a claim for an illegal act done by an agent of the Government, and such bills as this would cease to come before Congress.

Mr. BANKHEAD. In view of the expression last made by the gentleman from Texas, and in view of the fact that the passage of this bill would probably establish an iron-clad precedent before Congress in claims of this character, does not the gentleman think it would be a wise solution of this case to give the opportunity to the committee to frame a law conferring jurisdiction upon the Court of Claims to hear and determine in a judicial manner all claims of this character?

Mr. HARDY of Texas. I heartily agree with the gentleman. This is a case that is put in such way that it is up to us to say whether it is just or not, and our decision can not be made on the basis of the possibility of passing a wiser law, which may or may not ever pass.

Mr. HUDDLESTON. I want to suggest to my colleague from Alabama [Mr. BANKHEAD], that if you compel parties who have such claims to litigate to bring them before the Court of Claims in the city of Washington, say, a thousand miles from where they live, it would work a great hardship, and besides that the Court of Claims has no facilities for passing on such a claim. And if they were referred to that court there would not be a decision this side of judgment, because they have not the facilities. Now, if jurisdiction were to be conferred upon the United States district courts to hear this kind of a claim and to render a judgment, with authority to the Treasury of the United States to pay that judgment on certified copy of the judgment, some remedy would be offered. But as the law now stands it takes a special act of Congress to get any judgment, and the remedy suggested is practically out of the question.

Mr. RUCKER. I will conclude in a minute or two.

A suggestion has been made here that the Post Office Department and the War Department instruct the drivers of their trucks and machines to obey the ordinances of the city through which they pass—an absolute impossibility.

There is not a gentleman on this floor now who owns his machine here in Washington and has ridden thousands of miles in it that knows the regulations of this city. You know in a general way, but you do not know the difference in the different localities, the different sections or intersections of streets; and how could the driver of a truck passing through Washington learn more about the traffic regulations than a Congressman ever learned in 10 years?

Mr. EDMONDS. I would like to say, in the first place, that the evidence shows that riding with this driver was an employee of a local automobile company, who ought to have known the regulations beyond any question. In the second place, the Post Office Department issues a card of instructions to its drivers in the different localities containing the laws of each locality.

Mr. RUCKER. Now, Mr. Chairman, just a word with reference to the question of negligence. It does look to me absurd at this remote distance from Omaha, by paper testimony, without an opportunity to cross-examine a single witness, to undertake to determine that there is no contributory negligence in a case like this. The testimony, as I understood the gentleman from Pennsylvania [Mr. EDMONDS], shows that the machine was going, according to the testimony of one side, from 15 to 17 miles an hour, and, according to others, from 6 to 8 miles an hour. Here is a footman passing along. The assumption is that these people were not cripples, but the deceased was a man strong in health; and it is fair to assume, in the absence of any

statement whatever about it, that he was walking as men usually walk. That would mean at least 3 miles an hour. So that while the automobile was going 17 miles, the footman would go 3 miles, or one-sixth as fast. Hence, 6 feet would clear him of danger. If he had seen the automobile 15 feet away before it struck him, he could have freed himself from danger by one step or two steps.

Mr. EVANS of Nebraska. The gentleman should take into consideration the fact that the automobile was running practically noiselessly and under a misty condition, and coming from a direction which ordinarily it would not come from.

Mr. RUCKER. That may be true.

Mr. EVANS of Nebraska. The cross-examination of the Government officials showed that fact.

Mr. CANNON. The misty condition covered the deceased as well as the driver of the automobile.

Mr. RUCKER. In addition to that, the misty condition ought to admonish everybody to stop, look, and listen more attentively than if it was clear.

Mr. EVANS of Nevada. There is plain evidence of liability for damage, but has that ever been claimed from the city of Omaha? Have they been asked for damages?

Mr. RUCKER. I think the city would be just about as liable as the Government. I do not think either one is liable.

Mr. EVANS of Nevada. There is plenty of evidence that some one is liable.

Mr. TINCHER. I understand that Congress is the only tribunal that has any jurisdiction under existing law to pass on claims of this character. Now, that being true, in this case, having taken it through the usual channels and jurisdiction and conducted hearings, is it not up to Congress at this time to rather decide a policy for the future? Is not that the burden of our discussion at this time?

Mr. RUCKER. I think that is true.

Mr. TINCHER. And do I understand the gentleman, for whose opinion along these lines I have great respect, to favor the policy of this Congress passing a law permitting the granting of claims or some other tribunal passing on these cases instead of the Congress?

Mr. RUCKER. In answer to the gentleman from Kansas, I will say I do not want to commit myself in reference to the Court of Claims, because my experience with that court has been very unsatisfactory. This practice of sending out printed forms of interrogatories, with printed forms for answers, and then determining the facts, sometimes ascertains the facts and sometimes fails to ascertain them. But I am in favor of a policy which will make this great Government of ours deal fairly and equitably and humanely with all classes of people. But I want to warn gentlemen now, and among them the gentleman from Kansas [Mr. TINCHER], that this body has no jurisdiction. We may take jurisdiction, but there is no jurisdiction deposited in such a place as this. There is no precedent for it, and there ought not to be any precedent for it, and this ought not to become a precedent for future action.

Mr. TINCHER. The gentleman means that the payment of a claim like this would violate the Constitution?

Mr. RUCKER. No; I do not think so.

Mr. TINCHER. Then Congress may have the inherent right to assume jurisdiction.

Mr. RUCKER. Congress may take jurisdiction and pass a law; but I want to say to you, think what you are doing. Some of you pretend that you want to go home—I do not know whether you do or not—some time in October or November. Some of you think you would like to be home next year. It will become absolutely necessary for many of you gentlemen on that side to be at home and to give close attention to your business affairs if you want to come back again. But if we undertake to open the doors and consider cases like this from all over this country I will serve notice on you now that we shall not meet the deficit by taxation; we can not; we will swell the volume of liabilities and make the burdens and duties almost intolerable on the people, and there will never be a year long enough in the next 20 to consider and pass upon the damage suits that will be brought by Members of Congress for their constituents before this great jury of Representatives of the American people.

Mr. JEFFERIS and Mr. CHINDBLOM rose.

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. RUCKER. I will yield first to the gentleman from Illinois.

Mr. CHINDBLOM. I want to express an observation and then ask a question. I think too much stress has been laid upon the ordinances of the city of Washington. I think the gentleman from Missouri will agree with that proposition. But waiving that question aside, would the gentleman take the position that in a clear case of negligence on the part of the Government

we should not take jurisdiction, as he puts it, of a case in which a claim is made for damages?

Mr. RUCKER. I do not want to commit myself with reference to a given case. I do not intend to put myself, as I said awhile ago, in an attitude where people can assume that I am unsympathetic for those who have been bereaved or have suffered injury. But I say we have a divided duty here. We have no right to establish here to-day a precedent which would take billions of money, in my judgment, from the taxpayers of this land.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. There may be some equitable plan, as suggested by a gentleman a moment ago, with respect to cases like this, where the Government activities are clearly at fault and the citizen is shown to be free from negligence, and compensation may be made for injuries of people at the hands of soldiers in the war. Something like that might perhaps be equitable and just, but I do not want to forecast what ought to be done.

Now I yield to the gentleman from Nebraska.

Mr. JEFFERIS. Has the gentleman knowledge of many cases where soldiers have inadvertently run down and killed people?

Mr. RUCKER. There would be many, no doubt. I have heard in this debate of two old ladies in Texas who, I understand, were killed or badly hurt.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes.

Mr. O'CONNOR. I was about to ask the same question as that propounded by the gentleman from Nebraska [Mr. JEFFERIS]. In view of the gentleman's statement that there would be claims amounting to billions of dollars similar to this, I would like to know from the gentleman whether or not there are people, like Mr. McGovern, who will be run down?

Mr. RUCKER. I hope the gentleman from Nebraska and the gentleman from Louisiana will not require that a man shall be assassinated or killed, because if he is injured you will come in and pay for his injuries, and there comes the tug of war again, because in every jurisdiction throughout this land for permanent injury compensation is always much higher than for death itself, because a man must live and bear and suffer from his injuries possibly for many years. It does not make any difference whether Government soldiers or employees of the Government have killed scores of men or not. If they have killed some and injured a score the debt may be bigger. I confess I was making a prophetic statement.

Mr. O'CONNOR. I hope not.

Mr. RUCKER. And while I have no claim to the gift of prophecy, I think the gentleman will live long enough to respect my opinion as a prophet to a greater extent than he does to-day.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes.

Mr. CHINDBLOM. Is there any difference in principle between appropriating money authorizing the War Department to pay claims for damages to property and ourselves directly appropriating money for claims on lives?

Mr. RUCKER. Oh, the gentleman knows that those authorizations to which he refers were to cover a multitude of little matters that Congress could not be asked to consider individually, and therefore they were passed on to the War Department. But it will not do to pass on to the War Department the entire use of the purse of this Nation. Congress must not abdicate or abrogate its entire functions. We must do something in the discharge of our duties, and one of those duties at the present time, when there are so many pressing and meritorious and just claims against the Treasury—one of the highest duties that we owe is to see to it that we are not swept off our feet by mere sentiment and led to undertake that which will impose a burden and suffering upon the people of the Nation.

Mr. CHINDBLOM. I did not mean to suggest that we should refer these matters to the War Department, but I did mean to ask if there is any difference in principle between appropriating the money for damages to property on the one hand and appropriating money for life and limb on the other hand?

Mr. RUCKER. Unquestionably there is no difference in principle.

Mr. JEFFERIS. Mr. Chairman, will the gentleman yield again?

Mr. RUCKER. Yes; I will yield. I will yield the gentleman time if he desires it.

Mr. JEFFERIS. Suppose Mrs. McGovern's cow had been killed. I suppose the War Department would have been compelled to pay her.

Mr. RUCKER. Oh, the gentleman admits by his question he has been on both sides of these cases.

Mr. JEFFERIS. I ask that question in view of the action of Congress in appropriating money for property destroyed or damaged.

Mr. RUCKER. Let me ask the gentleman, would he not rather delegate to an official, to a Cabinet officer or one of his subordinates, the duty and the authority to settle for the value of an ordinary Nebraska cow than for a human life?

Mr. JEFFERIS. Yes; but that is not the case here. This is up to Congress.

Mr. RUCKER. I know; but I do not know why the gentleman asked me about a cow, if he does not want that comparison made.

Mr. JEFFERIS. If the Government is big enough to take care of cows, Congress ought to be big enough to take care of human life.

Mr. RUCKER. If the War Department has cared for the cow, then I am glad that the cow is cared for.

Mr. MANSFIELD. As long as the gentleman has brought up the cow question, I want to say that the War Department refuses to pay for live stock killed in target practice. I had a case of that kind, and the War Department refused to pay the claim. They deducted the amount, which was several hundred dollars, from the salary of the officer in charge, and we have had to force him to pay the claim.

Mr. RUCKER. I think the equity and justice of that is that a Texas steer, of course, does not know how to keep out of danger.

Mr. MANSFIELD. Texas men sometimes go into danger, too. [Applause.]

Mr. O'CONNOR. Will the gentleman from Missouri kindly yield me 10 minutes?

Mr. RUCKER. I yield 10 minutes to the gentleman from Louisiana.

Mr. O'CONNOR. Mr. Chairman and gentlemen of the committee, we are called upon here to-day to determine whether all of the people of the United States, acting through their Government, will aid and assist Mrs. McGovern, a widow and the mother of nine children, in bringing up those children and supporting herself, because of the death of her husband caused by and through the war and the inefficiency of one of its soldiers, or whether we shall be close-fisted enough to leave that duty to a comparatively few people in this country who are generous enough to come to her aid, her neighbors. That, in my judgment, is the one outstanding fact in this case. The woman has availed herself of the forms of law that we have given to her so far. She can not come into a court, for the courts would be without jurisdiction to try the case. She has come to her country, acting through the Congress of that country, and has asked it to repair the fault, as far as it lies in our power to repair that terrible fault, of one of the soldiers of this land in the greatest conflict that has ever come into its history. The gentleman from Massachusetts [Mr. WALSH] did not altogether place himself in absolute antagonism to the payment of \$5,000 to this woman. As I understood him, he said that unless it developed that there was gross negligence upon the part of the soldier, or the person acting for the Government, he would hesitate to grant the relief asked for in this bill to this woman and her nine children. But permit me right here, gentlemen, to say something in connection with what has been said in reference to the sentimentality of this and other cases that may come before this Congress.

I hope it is not going to be the fashion in this country to sneer at sentiment as a great underlying motive that inspires us to do the holiest and the noblest things. Sentiment rises high above all reason and puts men on the battle field and causes them to sacrifice themselves for friends and family. And God grant that I may never live to see the day when sentiment will be ruthlessly trampled under foot and crushed out of existence in the life of this country. The gentleman from Massachusetts [Mr. WALSH] calls for evidence of gross negligence. Gentlemen, I am going to give him that evidence, evidence of gross negligence upon the part of this soldier, negligence of so gross a character as would cause him in a moment to give this woman not \$5,000 but \$25,000 to bring up her little girls and little boys as decent American men and decent American women. Long ago I heard it said that sometimes in a man's life one single expression will show his attitude toward life and his country better than all his other history. When you examine that statement, gentlemen, you will realize the absolute truth of it. The words "the die is cast" evidenced the character of Julius Caesar when he crossed the Rubicon, better than all the other things that he had done in his lifetime. "Give me liberty or give me death" evidenced the character of Patrick Henry from his cradle. Similar expressions have at once painted the characters of men. I once heard a celebrated lawyer say that the character of that old Roman aristocrat, Pontius Pilate, and his sneering agnosticism, and his unbelief in everything, were clearly evinced by his expression to the Nazarene, as he turned and walked away, "What is truth."

I am going to avail myself of that principle in human existence which evidences the character of a man and his attitude toward life and toward his fellow men. Let me read to you something that will prove illuminating, and if it does not carry to your minds as it carried to mine the imputation of gross negligence that amounts almost to brutality, then I will have failed in my address here to you to-day. The evidence is that the driver of this vehicle said, "I don't see why the old fool didn't get out of the way." He referred to the fool who was lying prostrate, and about to cross the bourne from whence no old fool has ever returned. That was the brutal, outrageous, and atrocious statement made by the man who had put him to his death. You ask me to give you evidence that this man McGovern did not contribute to his unfortunate death, and the still more unfortunate circumstance that he left behind him a widow and nine children. Why, gentlemen, as I understand it, it is a common-law rule of evidence merely to require the owner to prove the death of his hog or goat or horse, and the burden is on the defendant then to show that the death was caused by the contributory negligence of the owner. In the case of an accident to a human being the rule is the other way, and he is required to prove that there was no contributing act of negligence upon his part. But where death ensues, the law mercifully steps in with an ameliorating feature, and you are not required to prove by a preponderance of evidence that the deceased did contribute to his own destruction.

Some one has said here, my friends, that we have shown a desire to protect property interests. Property interests ought to be protected. As I understand it, this Congress appropriated upward of \$2,000,000 to pay the property interests of New Jersey for losses sustained as the result of explosions that took place there during the war. Mrs. McGovern is here prayerfully looking to you for \$5,000 for the death of her husband, because of the destruction of the man whom she depended upon to give her support and to help her support the nine lives brought into existence by herself and her husband as the instrumentalities of nature. Talk to me about protecting property interests! For God's sake do not forget flesh and blood and the justice which would obtain in any court. [Applause.]

Mr. RUCKER. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Chairman and gentlemen of the committee, we are here to deal in equities rather than in legal technicalities.

Mr. HERSEY. Will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. HERSEY. I understand the evidence in this case discloses that the driver was on the wrong side of the street.

Mr. ANDREWS of Nebraska. I understand it so.

Mr. HERSEY. That is a legal proposition which every court in the United States has decided is negligence per se—to be on the wrong side of a traveled highway. If so, why should the United States try to avoid its own responsibility in this case?

Mr. ANDREWS of Nebraska. I want to emphasize the equity involved in this case from that standpoint. That phase has been so clearly developed, so fully brought out, that I do not desire to consume any time in regard to it.

I wish to invite attention to the fact that in many instances Congress has acted in a manner similar to that proposed in this case. While I can not recall dates and names of cases that came before me as Auditor for the Treasury Department, I recall the fact in the main.

Here it is clearly disclosed that the misfortune followed an accident which occurred through a violation of the regulations of the city of Omaha. Here, perchance, a question of law might not come to the relief of the claimant as it would had it occurred under State law and clearly within the jurisdictional laws of the State. Will Congress, acting for the Nation, lay aside the equities in this case and say no? Will we even go to the extent of saying that we will not act upon this matter until we write a law sending all such cases to the Court of Claims? If so, this widow will never receive a penny. By the time you get around with that kind of business one or two generations may have passed away. Perchance the matter might be turned over to the Federal court with authority to hear and try the case. But we ought not to delay action in this case to provide for that line of procedure. It occurs to me that the equities are so clearly disclosed and the amount named is so clearly within reason that we ought to act on this matter in the affirmative now and then determine a general course of procedure afterwards. I am in favor of the bill. [Applause.]

Mr. GARD. Mr. Chairman, I desire to use a part of the time remaining.

The CHAIRMAN. The gentleman from Ohio is recognized for 29 minutes.

Mr. GARD. Mr. Chairman, much of that which has been said evidences the wisdom of the constitutional division of our Government into the executive, legislative, and judicial departments, because there is not a man here who would not deeply sympathize with the person for whom relief is asked in this case and wish to afford her all possible relief under the law.

But we are a legislative assembly. We make the laws that determine the degree of the responsibility between man and man and between the Government and the individual. The question of liability under the law has always been determined, and always will be determined, by the courts and by juries acting under proper instructions from judges. To abandon that and bring a sympathetic case—and there may be many sympathetic cases—before a sympathetic legislative body and let it take the place of the court, judge, and jury is to nullify every American proceeding in the interest of justice.

Therefore I will propose an amendment to this measure, which I have prepared and sent to the Clerk's desk. I will ask the attention of Members to it that they may hear what I have prepared. After it is read I will discuss it for a brief time.

The CHAIRMAN. The Clerk will read the proposed amendment for the information of the committee.

The Clerk read as follows:

Strike out all matter after the enacting clause and insert:

"That Mrs. Thomas McGovern or the authorized legal representative of Thomas McGovern, deceased, may sue the United States in the district court of the United States for the district of Nebraska under the rules and regulations of such court for damages causing the death of said Thomas McGovern, for the benefit of the widow and children of said deceased, and said court shall have jurisdiction to hear and determine such suit and enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the authorized legal representative of Thomas McGovern, deceased, upon the same principle and measure of liability as in like cases between private parties and with the same right of appeal: *Provided*, That such suit shall be commenced within four months after the date of the passage of this act."

Mr. EDMONDS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The amendment is not offered now, but only read for information.

Mr. GARD. The amendment is read for information. The purpose of the amendment I will offer is to afford full, complete, and ample justice to Mrs. McGovern, or whoever may be the legal representative of Thomas McGovern, deceased, in the matter of his death caused by this enlisted man in the United States Army driving an Army automobile against him and killing him some time ago in the city of Omaha.

It gives the representative every right of presentation under all the rules of law, gives her the same right which one man may have against another, which any person might in private life have against another, the same right to present the evidence, the same right of appeal, and provides that the matter may be heard in the tribunal which has been created by law for the hearing of such matters and a judgment rendered after presenting the evidence and arguments of counsel and the charge in the court as to the law. This, it seems to me, is the proper way for us to proceed in this case, because I feel that the membership of this Committee on Claims do not desire to establish a precedent of responsibility on the part of the United States in cases of tort, and that is precisely what we are doing in this case.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. HICKS. Mr. Chairman, I am heartily in favor of what the gentleman says, and is it not a fact that almost a similar proposition to what he has suggested occurs whenever a Government-owned ship collides with a private ship?

Mr. GARD. Yes.

Mr. HICKS. That the Government then allows the private owner to sue in the district court?

Mr. GARD. Yes. I say that on the calendar now, Nos. 38 and 40, are bills introduced by the gentleman from Virginia [Mr. HOLLAND] which are identical in the language of relief to the language of relief in the amendment which I propose. They are cases where damages were suffered by individual vessel owners by reason of the act of some employee of the United States, and the authority is given in those bills to the vessel owners to sue the United States and have a proper adjudication of the claim. That, of course, is a property right, and I realize that much has been said here upon the sentimental side regarding the loss of this man's life; and, as I say, every man here is, or should be, highly sympathetic. However, we are facing now a question of whether the United States of America, by the action of its House of Representatives, desires to commit itself to the policy of paying for the tort of an employee, a soldier or a civilian employee, under any sort of circumstances, because that is the result of the policy. This particular case may be and probably is a very meritorious one; but when once we establish a

policy, when once we veer from the safeguards of the law and establish a policy based upon sentiment and on the natural desire of every man in the country to help the widow and the orphan, then we are establishing the principle which is dangerous, because it invades the authority already given and acted on for many years in the United States.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. EDMONDS. I would like to ask the gentleman a question. He simply proposes to place this case in the district court?

Mr. GARD. Yes.

Mr. EDMONDS. And allow the court to render judgment in the case?

Mr. GARD. Yes.

Mr. EDMONDS. Of course, the gentleman realizes that he is establishing a precedent that all cases in the future will be brought into the House—

Mr. GARD. And why not?

Mr. EDMONDS. And take the same course.

Mr. GARD. Why not? We say that John Smith owns a vessel, and the vessel is in New York or Norfolk Harbor, and through the fault of some Government employee the vessel is injured. John Smith may not sue the United States, but we give him the right to sue the United States in the proper court and have his claim adjudicated.

Mr. EDMONDS. But the reason for that is evident: That no committee of Congress could in any way hear the testimony in such a case and give any judgment upon it at all. In this case, however, it is possible for a committee of Congress to do so.

Mr. GARD. Oh, no; I do not think it is possible for any committee of Congress to substitute itself for a jury or a court.

Mr. CLEARY. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. CLEARY. The gentleman does not mean to say that the vessel owner could sue the United States for damages to vessels at the present time?

Mr. GARD. Oh, no.

Mr. CLEARY. I know that he can not, because we have a lot of such cases.

Mr. GARD. I say that on this calendar are two bills authorizing suit against the United States in such cases.

Mr. CLEARY. But they are not yet passed.

Mr. GARD. They have not been passed, but we give them consideration and have given authority for the suit.

Mr. JEFFERIS. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. JEFFERIS. Does not the gentleman think the Committee on Claims and this Congress would be just as likely to reach a just determination as a jury would as to the merits of a case?

Mr. GARD. With all due respect to the gentleman and to the membership of the Committee on Claims, I do not, because the members of the Committee on Claims while engaged in the consideration of claims are not necessarily guided by the rules of law, the rules of evidence, the rules of responsibility such as govern private people in a case between private people, in the adjudication of their claims. The danger of it is just like what the gentleman says, that in a case like this of high sentimental value, it so appeals to the personnel of the Committee on Claims that they bring in and ask for consideration of a case here—the first of its kind so far as I know presented to the United States Congress—and the continuance of it will establish a policy which may be abused. That is the thing that I desire to impress upon the gentleman.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. EDMONDS. Does not the gentleman think it would be better to place this in the hands of the Court of Claims and allow the Court of Claims to take evidence, and then report back to Congress, and then, in case we wish to establish a precedent of this kind we could do so.

Mr. GARD. My information is that the Court of Claims may not act in this case.

Mr. EDMONDS. Oh, the Court of Claims can act if they are instructed by the House to do so.

Mr. GARD. The gentleman from Virginia [Mr. Moore] advises me that they can act only in cases of contract under the present law.

Mr. EDMONDS. I think that we can give them jurisdiction to act in a case like this.

Mr. HULINGS. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. HULINGS. If the gentleman's amendment should pass and the executor or the administrator of the estate should sue in a court, and should find that the estate was insolvent, then

the amount of money received on the judgment would go to a lot of creditors and would not go to the widow. Does the gentleman understand?

Mr. GARD. I understood what the gentleman said, and I am placing the responsibility of the United States upon the same plane of liability that would exist between two persons in private life.

Mr. HULINGS. I quite agree; I think it is all right, but I do think it should be a general bill, which I suppose we could not introduce here now otherwise, as a point of order would throw it out.

Mr. GARD. I do not think we could introduce a general bill or should.

Mr. HULINGS. A point of order would throw it out.

Mr. PARRISH. Will the gentleman yield?

Mr. GARD. I do.

Mr. PARRISH. If the amendment of the gentleman from Ohio should be adopted, I would like to ask him what rule of law would be applied in the court in determining the liability. In other words, would the court charge the jury that if the sergeant who was driving this car was guilty of negligence that the Government should respond in damages?

Mr. GARD. I could not tell what the court would charge. I will say for the gentleman's information my amendment provides that it shall be tried upon the same principles and measures of liability as any like case between private parties, and with the same rights of appeal, so that the case would be precisely in line with every other case in the district court of Nebraska and the court would charge the law as existed in the State of Nebraska and as qualified by Federal enactments at that time.

Mr. PARRISH. As I understand the gentleman, in fact, it would be setting a precedent to allow liability in such case as this if it should be determined that the agent of the Government was guilty of negligence. Is that right?

Mr. GARD. Well, no; that may be a precedent; I do not know; but what I am complaining of is the establishing of a precedent by a legislative body and not by a jury acting under instructions of the court.

Mr. PARRISH. I think, though, the broader question—that is, the one that is uppermost in my mind and I think the one that exists in the minds of Members on the floor of the House—is whether or not the Government shall in such cases as the one now before us assume liability; and if so, under what conditions?

Mr. GARD. Certainly they should not assume an indiscriminate liability, and I call attention to this. If we start out here upon the principle of this general liability for torts, liability for accidents, we can not stop to base it upon the theory that a man in the military service hurts a man on the street and the Government should pay him, but we proceed upon the theory that the United States is responsible, not in a court, not before a jury, but here on the floor of the House of Representatives or in the Senate; that if the driver of a truck out here who delivers books from the railroad station to the House Office Building runs over a man on the street; or if a rural carrier in the course of his business, operating on some road in any State in the Union, runs over or injures a person, you are establishing the principle that all they need to do is to come to the Congress of the United States, introduce a bill for \$5,000, \$10,000, or \$15,000, and the Congress, not acting as a legislative body but acting as a jury, passes on the merits of the case and says that the person shall have \$5,000, \$10,000, or \$15,000, and says this money shall be paid out of the Federal Treasury.

Now, we all know, as a matter of fact—I do not claim any more merit than anybody else—we are all, if not eager, at least, acquiescent, in the use of other people's money, and we have been operating and have continually operated upon the theory that the Government shall pay for everything; no matter what it is, the Government shall pay; the rights of States, the rights of individuals, the rights of everybody are swept aside, their independent duties and obligations are swept aside, and we say the Government Treasury must pay for these things, and the matter of the approach to the Government Treasury is merely a matter—

Mr. PARRISH. I am in sympathy with the gentleman as to procedure, but what I am chiefly concerned about is to determine whether or not the amendment offered by the gentleman will set a precedent by which this Congress would be bound and by which the men who have these claims, as suggested by the gentleman's amendment, could go into the court, or ask this Congress for permission to go into the court, and then expect the right of recovery on the liability of the Government's agent?

Mr. GARD. I think it will be a precedent, but I do not see any reason why it should not be.

Mr. PARRISH. Under that precedent, for example, take all of those cases which have resulted in death, such as the shooting at Houston and destruction of property, and also at Brownsville and other similar cases. Does not the gentleman think that those people have the same right to come before the Congress and ask permission that those cases be put in the proper jurisdiction of the courts upon the same basis as this?

Mr. GARD. I think they would; and that is the danger of it, because once we open the gates, even to a case like this, admittedly a good case for damages, why, you throw wide the door for every sort of a case, good, bad, big, small, no matter what it may be, you throw wide the door.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. GARD. I do.

Mr. HARDY of Texas. The question here is, If we pass the gentleman's amendment, does it not afford a better opportunity for absolute justice in two respects? In the first place, it is not an ex parte hearing, but will have to be proved in court; and, in the second place, this Congress will be absolutely swamped if we undertake to decide these matters here.

Mr. GARD. Absolutely. I say it would seem to me that if the Congress abandons its right of legislation here as between individuals and legislation for the General Government as well, and seeks to place it upon the shoulders of a committee, and then transfer to a committee of the House, and then to the House itself, the burden of deciding damage cases, the House will be flooded with such cases, and you may not have an opportunity to hear anything else. And the things that will be brought in to influence Members of Congress to vote for this, and that, and the other are almost beyond comprehension.

I yield now to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY. In reply to the suggestion which the gentleman from Ohio [Mr. GARD] made to the gentleman from Texas [Mr. PARRISH] about opening up all kinds of suits of this character and deciding the rights of soldiers, would not the court, under the gentleman's amendment, have power in cases of that kind to determine whether those cases were in the scope and authority of the Government, and could not the court, under rules of law, determine all those questions much better than the House of Representatives?

Mr. GARD. I think so. I think if we would establish a policy of leaving our sacred moorings as a legislative body, and place upon our shoulders, willingly or unwillingly, the decisions of all the damage cases which may arise, either from the Military Establishment or the civil establishment of the United States, we will, as the gentleman from Texas has very well said, be swamped with such cases.

Mr. WATSON of Pennsylvania. Will the gentleman yield?

Mr. GARD. Certainly.

Mr. WATSON of Pennsylvania. I wanted to ask the gentleman from Ohio, if his amendment prevails, would it not act as a great injustice to Mrs. McGovern? The committee has recognized her claim. It is here; and if it is not considered, the case must begin anew, and probably she will lose many months in obtaining damages. I am in favor of the gentleman's amendment if it would relate to all the cases other than this special one. After she has appeared before the committee, not to pass it after it is favorably considered would act as a great injustice to her.

Mr. GARD. I do not think it would. In fact, I say to the gentleman in the utmost good faith that I think if this bill passes and this money is paid to this widow we will establish such a precedent for similar cases that we will be conferring benefits upon particular persons not enjoyed by the balance of the people. The law of the United States and the law of the several States is equal and exact for the high and the low, the rich and the poor. There is one kind of law, and there is one way to approach a decision in a damage case—by filing the petition in the court, having the issue joined, an examination of witnesses, and having the jury make a finding subject to rights of appeal. But there could be absolutely no injustice to Mrs. McGovern in such a case at all. If it was allowed to her it would be an injustice to 100,000 people in the United States.

Mr. WATSON of Pennsylvania. I agree with the gentleman's philosophy; but in this case justice would not be meted to her.

Mr. BLAND of Missouri. Does not the gentleman recognize that sometimes a delay may amount to a denial of justice? Now, this woman has proceeded in an orderly and in the only way in which she could proceed up to this time, or until the amendment suggested by the gentleman shall be adopted in the House. This case may be acted upon without further delay, and then the gentleman can propose a law which would be

approved by Congress, and the entire country would have notice to proceed in accordance therewith.

Mr. GARD. I am not arguing this case as a case in itself. I do not desire to argue the merits of this case at all or whether Mrs. McGovern should have the money or not. I do not proceed along that line. I proceed along the great, broad line of establishing a precedent here and of leaving what we have heretofore supposed to have been our duties under the Constitution and previous laws of placing ourselves in a jury box to act in a sympathetic manner upon such cases as may be presented.

Mr. DUNBAR. I will ask the gentleman who has proposed this relief or source of relief for the widow of this man who was run down and killed by an automobile operated by a soldier if he thinks that under her condition and circumstances in life it would afford an adequate opportunity to receive the justice that is due her? First, she would have to employ a lawyer to bring suit. There would be all the expenses attending a suit. She probably is a woman without funds. That lawyer would take her case on a percentage plan. Can the gentleman inform the committee that if she was to obtain a verdict in the court for \$5,000, after paying her lawyer's expenses and after providing for the fees and the costs of the court, what would be the net sum that she would receive in all probability out of a verdict of \$5,000? And then this additional question—

Mr. GARD. Let me answer one at a time. I have been trying to tell the House that I have not been considering the individual case at all. Of course, it would be impossible for me to tell what would be the proceeding under the case the gentleman has made known. I desire to impress anew—and if I have not already succeeded, my argument has entirely failed—that I am not arguing the merits of this case at all. I am arguing a principle as between the United States of America, the country we gentlemen represent, and its people, the people we represent.

Mr. LANHAM. Does not the gentleman think, in view of the many questions that come before Congress for consideration, that under the judicial procedure suggested and the amendments offered by the gentleman that justice may be done more rapidly and expeditiously, as a rule, than by congressional action?

Mr. GARD. I have not the slightest doubt of that. And not only judiciously and rapidly, but properly, for when gentlemen come down to consider things in their finality there would be no fair consideration here if we considered all of the claims that would be presented.

Mr. TINCHER. As I understand your amendment and the discussion on the amendment, you favor a policy in these cases of passing an act authorizing the plaintiffs to sue in the Federal court of their State?

Mr. GARD. In a proper case.

Mr. TINCHER. Would it be part of your policy to pass such an act, providing for the recommendation of the Committee on Claims in this House in each case?

Mr. GARD. I will say that the Committee on Claims, or some committee to whom the particular act was referred, should advise the House as to the merits of the particular case, and then the membership of the committee of the House, and the House ultimately, should determine whether the authority to sue the United States should be given the individual, and then suit could be brought.

Mr. TINCHER. Of course, I realize the gentleman is not considering this case. It is a question of policy.

Mr. GARD. It is more than a question of policy. It is a question of principle. I have no objection to calling it a question of policy, but it is broader and bigger than that. It is a question of absolute principle.

Mr. TINCHER. Of course, if your amendment prevails in this case there will be nothing to hinder the claimant from suing for the full amount of her damages and having a full hearing?

Mr. GARD. No. My idea is that the widow of this gentleman, or the legal representatives of Thomas McGovern, should be permitted to show that she suffered damages. If they can show a jury that she suffered damages in the sum of \$5,000 or \$10,000 or \$15,000, I am perfectly willing that that sum shall be paid out of the Treasury of the United States.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HERSEY. Mr. Chairman, I wish to oppose the amendment at the proper time.

The CHAIRMAN. The amendment is not pending.

Mr. CANNON. Mr. Chairman, it takes three of us—the Clerk, the presiding officer, and myself, as I have 12 minutes.

The CHAIRMAN. The gentleman from Illinois is recognized. He has 13 minutes.

Mr. CANNON. How much time has the gentleman from Missouri [Mr. RUCKER]?

Mr. RUCKER. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman from Missouri has 20 minutes.

Mr. CANNON. If I need more time I will ask the gentleman from Missouri to yield to me. I have 13 minutes.

Mr. Chairman, I would be willing, if a subscription were taken up, to give \$10 or \$20 to this woman. It is a question of whether or not this is the proper way to proceed, and the safe way, and the just way. This bill is only a matter of \$5,000, but this is the making of a precedent that will, if enacted, cost many hundreds of millions of dollars from the Treasury. I listened with great interest to the gentleman from Ohio [Mr. GARD]. I always listen to him with great interest. He is a man of ability, of broad knowledge. Now, let us see about this. Are we a judicial body? No; this is a legislative body, but I do not know how many of us could qualify to sit on a jury if this claim was tried by a court. Now, I am sure the gentleman from Kansas [Mr. LITTLE], for whom I have great respect, could not qualify. If he were called to sit on a jury he would be ruled out. I do not know that I could qualify, because I think I am in the same condition as many other Members having constituents interested in such cases. I suspect that every man in this House, since the declaration of war—war across the ocean and war in the United States—has one or a dozen cases from his district like this. We would like to please our constituents and introduce bills and refer them to the Committee on Claims or War Claims and try them out.

Gentlemen, the consideration of this bill has taken a whole day. It has taken a whole day to try this one case before 430 Members of the House of Representatives, with a few absent, because there are two or three vacancies, I am sorry to say. [Laughter.] We would have to sit forever and a day if we undertook to make a precedent in our anxiety to please our constituents. It is perfectly proper that we should, if this House is to be the body which is to assess damages and hear cases of this kind, but you can not properly hear cases unless you have a chance to cross-examine, unless there is a day given, unless people are brought in who have knowledge, unless they are brought down and cross-examined, because if you could hear only one side of a case in the courts throughout the country, you would get bad verdicts as frequently as you would get good ones.

Now, I am not going to discuss the merits of this case. I am not going to say anything unkindly about the exceedingly able gentleman and legislator from Louisiana [Mr. O'CONNOR], who is a great orator. I have great respect for him and very great respect for his ability, but it is not fair in this court that is trying this case for him to testify, or for the gentleman from Kansas [Mr. LITTLE] to testify, without a cross-examination. I have got a vote here, but I could not make all that speech about Julius Caesar and Pontius Pilate and all those other people, you know. [Laughter.] Why, in spite of me I have more than once listened to the gentleman from Louisiana until my feelings were touched and the tears came into my eyes. You know there are two childhoods, the first and the second. I may be in my second childhood, and I can cry almost as easily now as I did in my first childhood. [Laughter.]

Now, as I said before, we have spent a day in the discussion of this case. Does anybody know what is the expense of running this House for a whole day? I do not know, but I guess it is more than \$5,000. It is certainly of more importance to the country for us to consider under existing conditions general legislation and just legislation and sane legislation.

The gentleman who reports this bill and the gentlemen coming from this committee say frankly they want a precedent, because there are many other cases pending before the committee. They want to know what the precedent is to be. Now, there is just one way to find out what would be a safe precedent, and that is for the gentleman's committee to consider from the legislative standpoint a bill providing for the adjudication of these suits by the courts. As the gentleman from Ohio [Mr. GARD] has well said, I would not give the district court jurisdiction; I would give the Court of Claims jurisdiction. I would let them investigate and find all the facts. I would let them find the facts and report the findings and ascertain the damages, and then report to Congress for appropriation.

Well, you may say that would be slow work. I suppose it would be slow. Many things are slow. If such a bill should be adopted there would, of course, be limitations, because in any bill adopted or in any precedent made there must be a statute of limitations. Great heavens! How many lawyers are there in the United States? Out in Indiana if a man has good character

he becomes a lawyer if he proves it and asks for a license. [Laughter.] I have great pride in Indiana; I grew up in that State. I do not know how many other States are so situated. But there are lawyers on speculation, and there are lawyers for fees, and there are people to work up cases and take fees such as they can get, and contingent fees, and so on. If we make this precedent the calendar will be loaded up, and bills such as this will be considered to the neglect of the public business.

I do not know. There has been no cross-examination in this case. It depends on affidavits. There has been no investigation whatever, except when this soldier was court-martialed and acquitted. There you are! I think we might well have general legislation, and I believe the chairman of this committee is perfectly competent to preside over a meeting of the committee to frame a bill that will cover such cases, so that when Uncle Sam pays he will pay in a real case after investigation. That is fair, is not it?

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Pennsylvania.

Mr. EDMONDS. I should like to say that the Committee on Claims are to be congratulated on not having a lawyer for chairman.

Mr. CANNON. I will tell you what is the fact. I have heard the gentleman make his statement, and he talks about wanting a precedent, so as to know how to treat these cases. I have known men, and I should not wonder if the gentleman has a legal mind and is a good business man, well balanced, and from my acquaintance with him, if I had to pick out somebody to present my case, I would trust the gentleman, because if he could not bring it himself he could find somebody who could. So much for that.

Now, where do these cases come from that are pending? I will ask some Member to tell me how many are there? Are there a dozen, 20, or 30?

Mr. EDMONDS. I would not be surprised if there are probably 25 or 30.

Mr. CANNON. Introduced by Members of the House for their constituents. I will tell you right now that if I had a case of that kind in my district and should be asked to introduce a bill, and some affidavits were furnished, even though there was no cross-examination, there is no use in denying that if a constituent presented it I would introduce the bill, and I suppose I would cooperate with the other 30 who have already introduced bills, and then when we have made this precedent, we would come, all of us introducing maybe one, two, three, or four bills. Oh, gentlemen, I believe if there is no one who desires to make any further remarks upon this bill—

Mr. BLANTON. I want to offer an amendment. I want to follow the gentleman's suggestion that jurisdiction should be conferred on the Court of Claims.

Mr. CANNON. How long is the gentleman's amendment?

Mr. BLANTON. It is a short one.

Mr. CANNON. Suppose the gentleman reads it.

Mr. BLANTON. May I have the Clerk read it for information?

Mr. CANNON. Yes.

The CHAIRMAN. Does the gentleman from Illinois yield for the reading of the amendment for information?

Mr. CANNON. Yes.

The CHAIRMAN. Without objection, the Clerk will read the amendment suggested, for the information of the committee.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 1, after the enacting clause, strike out all of the balance of the bill and insert:

"That there is hereby conferred upon the Court of Claims power and jurisdiction to hear and determine the facts concerning the claim of Mrs. Thomas McGovern for damages occasioned by the death of her husband, and to report to Congress findings of fact thereon."

Mr. CANNON. Has the gentleman examined the statute? Does that give full authority to let everybody have a day in court?

Mr. BLANTON. Only in this case. A point of order would be good against general legislation on a private bill, and that is the reason I have not offered an amendment proposing general legislation. There should be such general legislation with respect to all these war claims.

Mr. HULINGS. That is right.

Mr. CANNON. Does the gentleman from Ohio [Mr. GARD] think that would be a proper amendment?

Mr. O'CONNOR. Why does not the gentleman offer an amendment empowering the Court of Claims to hear the case and render judgment thereon?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Will the gentleman from Missouri yield me a little time?

Mr. RUCKER. I give the gentleman 10 minutes.

Mr. CANNON. I do not think I shall use it all.

Mr. GARD. The amendment that I offered dealt more with details, providing for the measure of liability and the measure of damages and processes in the courts as between private parties, and I assume that the amendment of the gentleman from Texas, for all legislative purposes, is probably as good as mine.

Mr. CANNON. Will the gentleman modify his amendment by saying, "and after consideration report its finding to Congress"?

Mr. BLANTON. That is already in my amendment, the concluding clause reading:

And report to Congress its findings thereon.

Will the gentleman from Illinois yield to me two minutes.

Mr. CANNON. I will yield to the gentleman two minutes.

Mr. BLANTON. Mr. Chairman, I take it that if this matter were referred to the Court of Claims in this or any other case, the party would not be at any disadvantage with respect to any great amount of costs, because the Representative of that party would willingly appear before the Court of Claims, I take it, and see to it that the rights of the claimant were properly heard and adjudicated by that court. I would, without charging a single dollar in the way of fee, gladly appear and look after the matter for any of my constituents, and I am sure any other Representative would do likewise.

Mr. RUCKER. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Missouri.

Mr. RUCKER. Did I understand the gentleman aright to say that he would appear before the Court of Claims in behalf of a constituent?

Mr. BLANTON. I would.

Mr. RUCKER. They will not let you. They will not let you come in at all, unless you say that you do not come as an attorney.

Mr. BLANTON. If you come in there as a Congressman representing a constituent, I do not see how on God's earth they are going to keep you out. They would have a hard time keeping me out if I appeared for one of my constituents.

Mr. CANDLER. There is a Federal statute which forbids a Member of Congress to appear as a lawyer before any department.

Mr. BLANTON. As a paid attorney, yes. But I appear before the departments in Washington as a Representative almost every day, except Sundays and holidays, when I can not get in because the departments are locked up. On any other day besides Sundays and holidays you can not show me a department in Washington before which Members of Congress do not constantly appear.

Mr. CANDLER. Not as lawyers.

Mr. RUCKER. The Court of Claims is not a department.

Mr. CANNON. Under the statute they are not allowed to charge for it.

Mr. BLANTON. Certainly not. Where is the Member of Congress who would charge a constituent anything in any such case? We daily appear before all departments of Government in behalf of our constituents, on business sometimes involving thousands and even millions of dollars, with our service rendered without any thought of fee, and in many instances we give our constituents the benefit of the very best legal assistance we are able to give. We appear for them not as paid attorneys but as their salaried Congressmen.

Mr. MacCRATE. Would the recommendation of the Court of Claims be binding upon Congress?

Mr. BLANTON. I assume that Congress would carry out the findings of the Court of Claims.

Mr. MacCRATE. There would be nothing binding on Congress; we would have the same power to examine again into the whole case.

Mr. BLANTON. We would know that the matter had been properly tried by a tribunal specially authorized and prepared legally to hear and try such matters on the law and the evidence. Congress is not prepared to pass on legal matters, matters of law, evidence, and equity in a case for damages. The Court of Claims is paid by the Government to do just that sort of work, and I take it that every Member of Congress would give due credence to the finding of facts by the Court of Claims. I dare say there is not a Member of Congress here who would not vote to uphold the judgment of the Court of Claims making a proper finding and award.

Mr. CANDLER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CANDLER. There have been judgments rendered by the Court of Claims which are still pending; they have been certified to Congress for some 50 and even 100 years ago, and they have not been paid by Congress yet.

Mr. BLANTON. Well, somebody must have been derelict in their duty in not getting action. If there was a case from my district in which a constituent of mine was interested, with a favorable finding thereon from the Court of Claims, I think that Congress would hear something about it, and I should endeavor to get action.

Mr. CANDLER. I think that Members of Congress have done the same thing in regard to those claims.

Mr. BLANTON. I think, Mr. Chairman, that the amendment I have offered is an improvement on the amendment offered by the gentleman from Ohio, which itself is good, and if my amendment is not adopted I shall support the amendment offered by the gentleman from Ohio [Mr. GARD], as one or the other should be adopted.

Mr. CANNON. Mr. Chairman, I think that the amendment of the gentleman from Texas had better be adopted rather than to pass this bill. I believe that the Committee on Claims should consider, prepare, and report to the House a well-considered bill to take care of this and such other claims of the same nature where it is claimed that the Government is liable.

Before the amendment of the gentleman from Texas is voted on, I wish to move to strike out the enacting clause.

The CHAIRMAN. The bill has not yet been read for amendment. The Clerk will read the bill.

Mr. RUCKER. Mr. Chairman, before that is done I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman, I want to say as one Member of Congress that I have not a claim before the Claims Committee or a request to introduce a special claim. I am interested in this discussion. It is a question of principle, and as the gentleman from Ohio said, we ought to take the time to iron it out.

I hope that no amendment will be adopted to this bill which will be, in effect, retroactive and would, in effect, turn this woman's claim back to be tried over again.

While it is said that there is not much difference between the amendment of the gentleman from Ohio and the amendment of the gentleman from Texas, both lawyers and both having been on the bench, one is to try the case in the Court of Claims that tries cases rather informally and the other refers it to perhaps the most thorough tribunal in the United States, the regular United States court.

Mr. GARD. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. GARD. I desire to ask the gentleman if after considering the two proposed amendments it is not a fact that my amendment leaves it to the court to determine whereas the amendment of the gentleman from Texas finally puts it up to Congress again to report on the findings of the Court of Claims?

Mr. TINCHER. The two amendments differ as much in principle and policy as there is difference between the present procedure and either of the two amendments. I believe that this case can be as fairly tried, with the 30 other claims that have grown out of the war, by the committee as they can be tried by anyone or any tribunal. I believe it is estimated that at the outside there are only 30 of these claims, and the committee can give the 30 claimants as fair and impartial a hearing as the district court or the Court of Claims.

But whether I am right or wrong, whether you want a special law or a general law permitting the Government to be sued on each and every one of these claims or permit the Committee on Claims to pass on them, no amendment should be adopted at this time which would be retrospective and make the woman try her case again. No one here says that her claim is not just and fair, and there is nothing to the argument that it is a dangerous precedent. This claim can be passed upon here, and then when the next claim comes before Congress if they want to adopt a new theory, a new policy, or pass a special law leaving it to the United States court or give them the right to go into the Court of Claims, Congress has a perfect right to do it. I believe that if there are only 30 claims, with what little knowledge I have of the procedure of United States courts, with what little experience I have had in the Court of Claims, I think that probably you will get speedier action and more exact justice if these cases are heard by this committee and passed by the Congress.

Mr. DALLINGER. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. DALLINGER. This Congress and preceding Congresses have repeatedly passed acts reported by the Committee on Claims granting compensation for injury to property. Does not the gentleman think that where life is concerned the Committee on Claims ought to have the right to act and the House to act upon such a case as this?

Mr. TINCHER. I do, and I think we have the right to do it.

Mr. FRENCH. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. FRENCH. We ought to do one of two things, either provide a general law by which claims of this nature can go through the Court of Claims or the district courts, or else we ought to rely on the Committee on Claims as we would on a court. As it is, when we come into the House we find the time of the House taken and the time of the country, which is valuable, for legislation on claims of various kinds. My judgment is we should pay respect to the Committee on Claims, the same respect that is paid to the judgment of a court. Any Member of the Committee on Claims could well preside over a court, and yet at the same time we come here and spend hours of time, after the committee has carefully listened to evidence and sat upon the case and reported upon it. Our judgment can not be better than is theirs.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CANNON. Mr. Chairman, will the gentleman from Missouri yield to me to ask a question?

Mr. RUCKER. I yield one minute to the gentleman from Illinois.

Mr. CANNON. Under our form of government, would the gentleman from Idaho [Mr. FRENCH] be in favor of amending the Constitution and clothing each committee of the House and the Senate with power to adjudicate?

Mr. FRENCH. I would not be in favor of that, but my first idea would be to provide some way by which claims of this kind could be adjudicated. If we refer this case to the Court of Claims or to the district court, what about the other 29 cases of somewhat similar character? We ought to have some general law by which this and other claims can go to the Court of Claims or to the district court and be heard.

Mr. CANNON. Then, the gentleman will vote with myself and the gentleman from Ohio.

Mr. FRENCH. If that would be the means of establishing this as a policy, I would be very glad to do so.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RUCKER. Mr. Chairman, I yield the remainder of my time—five minutes—to the gentleman from Texas [Mr. JONES].

The CHAIRMAN. The gentleman from Missouri has not five minutes. The gentleman from Texas is recognized for four minutes.

Mr. JONES of Texas. Mr. Chairman, I have an amendment which I desire to suggest for the information of the committee.

The CHAIRMAN. Without objection, the Clerk will read the amendment for the information of the committee.

The Clerk read as follows:

Amendment to be offered by Mr. JONES of Texas: At the end of the Gard amendment add: "Provided further, That the amount of such damages shall be limited to not more than \$5,000."

Mr. JONES of Texas. Mr. Chairman, I think in view of the fact that the United States Government would be a party to this suit and would have no one representing her except the district attorney, who would be involved in a great many other matters, and in view of the fact that sympathy for the party plaintiff would likely be created, there should be some limitation to the damages allowed. That is especially true in view of the fact that in some jurisdictions a man who has a considerable earning capacity may be allowed forty or fifty thousand dollars damages. Another objection that might lie to the way the Gard amendment is worded is the fact that the amendment provides that it shall be tried with the same principles and measure of liability as in cases between individuals. I submit that may differ in different jurisdictions. If the same rules apply as in the various State courts, which would be the principles that would apply in a Federal court in most cases arising between individuals, there would be certain defenses in some jurisdictions that would not exist in others. However, on the question of liability there should be a general law providing the basis of liability, and the defenses which might be pleaded, and these should be uniform all over the United States. My amendment, however, is simply for protection in this case. In certain jurisdictions recovery, for instance, is allowed not only for the damages caused by the loss of earning capacity but for the value of his services to his wife and in some instances for the care, culture, nurture, and education of children. Such damages might run up to forty or fifty or sixty thousand dollars.

Mr. EVANS of Nebraska. Why not allow the State limitations to govern as in the amendment proposed by the gentleman from Ohio?

Mr. JONES of Texas. I would have no objection to allowing the State limitations to govern, but even that would permit much greater recovery in some States than in others. It seems to me there ought to be a specific amendment to the amendment which would either make the State laws govern or have general laws govern. But in any event, if you allow the case to go to the courts, with the United States party defendant on the one hand, the individual who is party plaintiff would have all the sympathy of the community, and would be likely to recover more damages than in a suit between private parties.

Mr. TINCHER. Does not the gentleman think \$5,000 is a little small? Does the gentleman know of any State that has so small a limitation on a death claim?

Mr. JONES of Texas. I put it at \$5,000 for this reason: Inasmuch as the United States Government is a party defendant, and inasmuch as it gives consent to the suit, I believe there would be much better chance for the plaintiff to recover in a case of this kind against the Government than there would be if it were between private individuals. Therefore, I think there should be a small limitation. In other words the certainty of recovery should be offset by a limitation of amount.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. EDMONDS. Mr. Chairman, I ask that the bill be read for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Thomas McGovern, the sum of \$5,000 for damages suffered by reason of her husband, Thomas McGovern, being struck and fatally injured by a Government motor truck which was driven by a regularly enlisted soldier of the United States Army.

Mr. WALSH, Mr. BANKHEAD, and Mr. GARD rose.

Mr. EDMONDS. Mr. Chairman, I suggest that the gentleman from Massachusetts [Mr. WALSH] has an amendment to perfect the text of the bill.

Mr. BANKHEAD. But I desire to offer a privileged amendment.

Mr. WALSH. I have an amendment to the bill.

The CHAIRMAN. For what purpose does the gentleman from Alabama rise?

Mr. BANKHEAD. I desire to move to strike out the enacting clause, which can only be done at this time.

The CHAIRMAN. A motion to strike out the enacting clause is a preferential motion, and the Chair recognizes the gentleman from Alabama.

Mr. TINCHER. Mr. Chairman, a parliamentary inquiry. Is the motion to strike out the enacting clause debatable?

The CHAIRMAN. The gentleman can not take the gentleman from Alabama off his feet by a parliamentary inquiry. The gentleman has five minutes in which to discuss his motion to strike out the enacting clause.

Mr. BANKHEAD. Mr. Chairman, I regret I have not a little longer time to discuss the reasons which have caused me to make the motion to strike out the enacting clause. The range of this discussion here this afternoon shows that the consensus of opinion of members of the committee is that we are standing at the threshold of the adoption of an absolutely new policy with reference to the compensation of parties who might have been injured through the alleged negligence of persons in the service of the Government of the United States. Heretofore with possibly one or two debatable precedents this policy has not been recognized by the Congress. It is apparent, however, gentlemen, if it is entered upon that we are going to throw absolutely wide open the floodgates of controversy here before the Committee on Claims or the Houses of Congress to innumerable claims of this character involving enormous sums of money, and already, as has been suggested here, some 30 claims of this character are now pending before that committee. The argument of gentlemen has developed a wide variance of opinion as to the wisdom of entering upon this new policy. It seems to me that the wise course for this House to pursue before it embarks definitely upon the passage of bills of this character, which become accumulative precedents of the integrity of this policy, is that this matter should have careful and deliberate consideration involving the passage of a general bill covering all cases of this character. [Applause.] And the purpose of my motion to strike out the enacting clause, if adopted, means not indefinite but only reasonable delay in order to give the Congress of the United States through its proper committee or committees an opportunity to consider and frame general legislation covering cases of this character. My preference, simply from an offhand opinion, would be to confer juris-

diction upon the district courts of the United States, for reasons of economy and convenience to the litigants, as suggested by the gentleman from Alabama [Mr. Huddleston], rather than the Court of Claims, where every case that is brought is tried according to established rules of law and the merits of the case adjudicated in a regular established judicial tribunal of the United States. Now, while we confess and admit that the Committee on Claims or the other committees of the Congress are composed of men of integrity and intelligence, yet it is beside the mark to make the general admission that cases are tried before those committees as thoroughly and judicially as tried in the courts of justice, especially a court of the United States. And, gentlemen, with these ideas in view, with the tremendous importance of the ultimate policy that might be adopted at stake, and in view of the fact that it will not necessarily entail any hardship or any indefinite delay upon any claim which might be a just claim against the Government of the United States, it seems to me that every consideration of expediency and wisdom suggests that this great question of a general policy touching cases of this character should have consideration and action by the Congress under the provisions of a general bill affecting the merit of cases of this sort. I have offered the amendment I have with these ends in view, not for the purpose of defeating this claim—because it seems from a superficial examination as far as the evidence has disclosed here there may be a great merit in this woman's claim—but for the purpose, as I have suggested, of stabilizing the method of adjudication, for the purpose of seeing that every claim in the future shall have an absolutely real judicial determination. It seems to me that this matter is of sufficient importance to give pause before we establish a precedent here which will be referred to in all time to come as justifying the passage of all sorts of bills of a similar character. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACCRATE and Mr. EDMONDS rose.

Mr. MACCRATE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The chairman of the committee [Mr. EDMONDS] desires recognition, and the Chair will recognize him.

Mr. EDMONDS. Mr. Chairman, the Committee on Claims very seldom has before it a claim that has any legal basis. We have to take up claims for torts against property and against persons. We have to take up claims where men have been injured while employed by the Government and no compensation has been allowed by law, and we have to decide whether we think the man, under the circumstances, is justly entitled to some compensation from this body. There is not so much difference between this case and those cases, except this, that these are cases where the man, a private citizen, has been injured by an act of some Government employee, and they have always been, for some reason or other, antagonized in this House; but yet at the same time, with the information that the committee can get hold of—and I think our information is fairly complete—we endeavor to try and do justice to these people. This case was one that was particularly appealing, and I want to say that in our examination we also go into the question to find out whether the man had money, whether he had insurance, whether he has any other compensation coming to him from a State board, and we endeavor in every way to protect the interests of the Government. Mr. McGovern, unfortunately, had no life insurance policy. He was in unfortunate circumstances and he let his policy run out three or four days before the accident. There is no question in my mind, after seeing the plans—unfortunately the House can not see those plans—that Mr. McGovern was in his full rights on the streets of Omaha. He was killed by an automobile that should have gone around the center prop in the street, as is required in many large cities, but probably on account of the fog, on account of the mist on the glass, the soldier did not notice that he was not proceeding in the proper manner; or if he did, it was incidental. If Mr. McGovern had left a large insurance policy, if he had been a man of wealth, we would not have given one cent—

Mr. BANKHEAD. Will the gentleman yield there?

Mr. EDMONDS. I will.

Mr. BANKHEAD. Why would not the woman have been entitled to compensation, even if he had had a policy, if he had a just claim against the United States?

Mr. EDMONDS. For the simple reason that there is no law in the statute books allowing the Government to pay for torts of employees. Therefore the act of the committee is one of mercy a great deal more than it is one of law. Now, we have in the last session and this session taken up this case. We have followed it probably as far as any court can follow it. We have the testimony of the witnesses and the testimony of the Govern-

ment. The Government officials, of course, are not going to find their officer in the wrong if they can help it, but the testimony of the two individuals who were not in any way related to Mr. McGovern and who had no interest in the case whatever was that Mr. McGovern was in the proper place on the street and the automobile was not in the proper place.

Now, gentlemen, I leave it to you. We have done all that we could. If it is the desire of the House that bills of this character should go to the Court of Claims or some other court, I doubt whether the committee will raise any particular fight over it.

Mr. ANDREWS of Nebraska. Will the gentleman yield for just a question?

Mr. EDMONDS. Yes.

Mr. ANDREWS of Nebraska. If we send a claim like this to the Court of Claims, why not send all pension claims to the Court of Claims?

Mr. EDMONDS. That is true, and I want to say if this claim is sent to any court the probabilities are that Mrs. McGovern's children will be grown up before they get any money.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The question is on the motion to strike out the enacting clause.

The question was taken, and the Chair announced that the yeas appeared to have it.

Mr. BANKHEAD. Division, Mr. Chairman.

The committee divided; and there were—ayes 24, yeas 57.

So the amendment was rejected.

Mr. WALSH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 1, lines 6 and 7, after the word "by," strike out the word "reason" and insert the words "the death," and in line 7 strike out, after the word "McGovern," the word "being" and insert the words "who was," so that the language will read as follows: "For damages suffered by the death of her husband, Thomas McGovern, who was struck and fatally injured," etc.

Mr. EDMONDS. Mr. Chairman, I accept the amendment.

Mr. WALSH. I notice that the gentleman accepts the amendment, and therefore I desire to make one or two general observations in reference to this bill.

I notice that the jury have decided to embark upon this voyage and establish this precedent, but I want them to recall that an employee of the Navy was killed, apparently in line of duty, leaving a dependent parent, and that his life is worth \$549.12; that a person, a police officer, who lost his life assisting the United States immigration officers in removing an insane alien, has his life valued at \$2,500; but that when you get out into the great State of Nebraska and a worthy citizen is killed by a member of the military forces because the local ordinances of the city of Omaha say that the soldier was on the wrong side of the street, you climb up the grade and fix the value of the life at \$5,000. I assume, although we have not yet reached the later stages of the Private Calendar, that the committee has arrived at instances where the value of life is \$10,000.

Now, the gentleman from New York, in his harmonious and melodious undertones, suggests that probably that life was that of a Massachusetts citizen. I do not know as it was, but I assure the gentleman that if it was, the bill was introduced by some one other than myself.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. WALSH. The gentleman from Minnesota [Mr. KNUTSON], I notice, has a bill upon the Private Calendar and seeks to interrogate me.

Mr. KNUTSON. Would not the name of the deceased indicate that he came from Boston?

Mr. WALSH. I do not know the name, because we have not reached the bill, as I stated at the outset.

But we are establishing the principle by this legislation that the great Government of the United States must be subject to the ordinances and by-laws of small municipalities, and if it can be established that a member of the service of the United States, military or civil, in performing his duty infracts the provision of a local ordinance, and somebody is injured or killed thereby, the Government must recompense his dependents. And I submit it is a wrong principle upon which to embark.

Mr. DOWELL. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Iowa.

Mr. DOWELL. Does the gentleman believe—

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. I say I do believe. I do not know what the question was to be.

Mr. DOWELL. I want to know if the gentleman believes—

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

Mr. DOWELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa is recognized in opposition to the motion.

Mr. DOWELL. Now, I desire to interrogate the gentleman from Massachusetts, and ask him if it is his position that the Government should not pay for the reckless killing of a private citizen by an officer of the Army?

Mr. WALSH. That is my position.

Mr. DOWELL. That we can permit the Army officers to go down the streets with impunity and kill citizens without being responsible for the damages?

Mr. WALSH. Oh, well, the gentleman knows if an Army officer recklessly tramples upon the rights of a citizen, there is recourse to the courts if it is criminal, and in this case the man who is said to have been negligent was court-martialed and was acquitted.

Mr. DOWELL. But the court-martial does not compute the damages he has sustained.

Mr. WALSH. No; the Committee on Claims does that.

Mr. DOWELL. And the Committee on Claims has passed upon the question that this was a reckless driving on the part of the Army officer.

Mr. WALSH. Well, they have not so stated in their report.

Mr. DOWELL. The report does make such a statement, or that is the conclusion of the committee. And it seems now that when the committee has passed upon that question we have no further to go than to find that the damages have been sustained, and if they have been sustained the Government should pay them.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Certainly.

Mr. WALSH. What damages would the gentleman recommend if the Committee on Claims had held that it was not reckless? Would it be \$2,500?

Mr. DOWELL. If there was no carelessness on the part of the Government, there would be no damage at all. But in this instance the committee found that there was a reckless use of the automobile.

Mr. WALSH. Will the gentleman yield again?

Mr. DOWELL. Yes; certainly.

Mr. WALSH. Does the gentleman know upon what evidence the committee based their finding?

Mr. DOWELL. I do not, but I presume the committee did what it ought to do—secured the testimony—because it would not have arrived at that conclusion without making an investigation.

Mr. WALSH. Has the gentleman read the report?

Mr. DOWELL. I have read through the report, and I have the conclusion of the committee, and that conclusion is sufficient to satisfy me that they have found that there was recklessness on the part of this officer.

Mr. WALSH. The gentleman has abundant and abiding faith.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Strike out all after the enacting clause and insert:

"That Mrs. Thomas McGovern, or the authorized legal representatives of Thomas McGovern, deceased, may sue the United States for the benefit of the widow and children of said deceased in the district court of the United States for the district of Nebraska under the rules governing such court for damages because of the death of Thomas McGovern, and said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the authorized legal representative of Thomas McGovern, deceased, upon the same principles and measures of liability as in like cases between private parties and with the same right of appeal: *Provided*, That such suit shall be commenced within four months after the date of the passage of this act.

Mr. BLANTON. Mr. Chairman, I desire to offer a substitute.

Mr. HUDDLESTON. I reserve a point of order on that amendment.

Mr. JEFFERIS. I make the point of order.

The CHAIRMAN. The gentleman from Nebraska makes the point of order. Does the gentleman from Ohio desire to be heard?

Mr. GARD. What is the point of order? Just making a point of order does not mean anything.

Mr. JEFFERIS. I think the gentleman's amendment is contrary to the entire scope of the bill.

Mr. GARD. Is that all that the gentleman desires to say about it?

Mr. JEFFERIS. Yes.

Mr. GARD. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The gentleman from Ohio will be heard.

Mr. GARD. Mr. Chairman, the bill is one, as the Chair knows, for the relief of Mrs. Thomas McGovern. It provides for an appropriation of a certain amount of money. The amendment I have offered provides for the relief of Mrs. Thomas McGovern, or the authorized legal representative of Thomas McGovern, by providing that the authority of the Congress of the United States is given her, on behalf of herself, as widow, and her children, to sue the United States because of the death of her husband and the father of her children. It seems to me it is germane, because this bill is for the relief of this person. The relief may be in one form or in another form. It is not essential, to make the matter germane to the bill, that it shall be the same relief as is carried in the bill but that it shall be germane to the issue raised, that it be germane to the object of the bill, which is for the purpose of affording relief to this woman because of the death of her husband.

Mr. DOWELL. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Iowa?

Mr. GARD. Yes.

Mr. DOWELL. Is it not true that your amendment provides for a legal remedy? In other words, it changes the law in this case, and provides that a suit may be brought in the courts? This claim now before the committee is to allow a certain amount as a claim against the Government. Your amendment is certainly not germane, because it merely provides a legal or technical remedy at law in the courts.

Mr. GARD. This is a matter, I take it, for the relief of this woman because of the death of her husband, who was injured, it is said, by an automobile driven by an enlisted soldier of the United States. The report says—and everybody agrees—that there is no legal liability for the torts of the agent, and that which we try to do under this law is simply a matter of grace, rather than of right, when we fix the kind of relief. To pay \$5,000 is relief, but that which is incorporated in my amendment is also relief, since it confers upon the widow the unusual privilege of proceeding in a court of justice, where she now has not the right, to assert her claim on behalf of herself and her children for damages on account of the death of her husband.

Mr. DOWELL. But your amendment changes the law in this case.

Mr. GARD. There is no law.

Mr. DOWELL. There is none; but you are providing by your amendment—

The CHAIRMAN. The gentleman from Iowa will address the gentleman from Ohio in the third person.

Mr. GARD. I make no point of that.

Mr. DOWELL. The amendment offered by the gentleman provides a change of law by which this case is brought into court. There is now no law on that subject, and she has no right to bring that action in court; but under this amendment, which is the enactment of new legislation, the gentleman from Ohio is seeking to enact new legislation, giving her authority to bring the action in court. It certainly is not germane to a claim which the House is acting upon. It has no relation to an action at law.

The CHAIRMAN. The Chair is ready to rule. This is a bill authorizing the Secretary of the Treasury to pay the sum of \$5,000 to the widow of the deceased—Mrs. McGovern. The amendment offered by the gentleman from Ohio authorizes the legal representative of the deceased to bring an action, a proper action, in the district court of the United States for the district of Nebraska.

Mr. GARD. If the Chair will yield for a moment on that, the amendment I have in its amended form provides that Mrs. McGovern or her legal representatives shall bring the action.

The CHAIRMAN. Or her legal representatives. There is such a distinction between the bill and the amendment as has arisen in former cases and upon which many rulings have been made:

A bill to pay a claim may not be amended by an amendment directing that the claim be referred to the Court of Claims.

So that by analogy this being a bill to pay the claim outright can not be amended by referring the claim to the district court of the United States for the district of Nebraska, and the Chair sustains the point of order.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The gentleman from Pennsylvania moves that the bill be laid aside to be reported to the House with a favorable recommendation.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. BLANTON. Division, Mr. Chairman.

The committee divided; and there were—ayes 60 noes 16.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HEIRS OF ROBERT LAIRD MCCORMICK.

The CHAIRMAN. The Clerk will report the next bill.

The Clerk read the title of the bill (H. R. 6289) for the relief of the heirs of Robert Laird McCormick, deceased.

Mr. EDMONDS. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

Mr. BANKHEAD. Reserving the right to object, how long is this bill?

Mr. EDMONDS. It is a very short bill.

Mr. BANKHEAD. I object. I think we ought to have the bill read.

The CHAIRMAN. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Robert Laird McCormick, deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$51.50 in full settlement of the claim of the said Robert Laird McCormick for cashing on insufficient indorsement Post Office Department warrant No. 11415, drawn April 28, 1887, to the order of Charles Perry for \$51.50.

Mr. EDMONDS. Mr. Chairman, this bill is for the relief of the heirs of Robert Laird McCormick, to legalize the payment of an improperly indorsed Post Office Department warrant. There is no objection to the bill on the part of the department. The warrant is still carried down there, and undoubtedly the heirs of Robert Laird McCormick should be paid this money. I yield five minutes to the gentleman from Washington [Mr. JOHNSON], who would like to explain the bill.

Mr. JOHNSON of Washington. Mr. Chairman, I take the time of the House only to explain an interesting case which shows something of the Government's delays. This particular bill has been on the private claims calendar in every session of Congress for three Congresses. It has been just about to be reached in every session, but until now never has been called up. Roll calls or objections or fights over other measures have prevented action on a measure to which no one could offer objection. As stated by the chairman of the Claims Committee, the bill provides authority for paying \$51.50 to the McCormick estate on a post-office warrant dated April 28, 1887.

Mr. HICKS. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield to the gentleman from New York.

Mr. HICKS. Is this the famous cow case?

Mr. JOHNSON of Washington. Oh, no; the cow case is coming later. There is no dynamite in this bill. [Laughter.]

This warrant was issued April 28, 1887, and the money was appropriated by the Fiftieth Congress in the Post Office appropriation bill of that year for the payment of that sum. That was 32 years ago. Mr. Carlisle, of Kentucky, was Speaker of the House, and Nelson Dingley, of Maine, was here, as were also Dockery, of Missouri, and Funston, of Kansas, father of the general—both famous men. William C. P. Breckinridge, the silver-tongued orator from Kentucky, was here in the House. Private John Allen, of Mississippi, was here, with his droll speeches and ready wit. JOHN H. BANKHEAD, of Alabama, now Senator, and the father of our own distinguished colleague, young BANKHEAD [applause], was a Member then. Bland, of Missouri, a famous and lovable man from the Middle West, was here.

Mr. CLARK of Missouri. And we have one here now. [Applause.]

Mr. JOHNSON of Washington. Charles F. Crisp, of Georgia, afterwards Speaker, and the father of our distinguished colleague, was here. [Applause.] Amos J. Cummings, the New York newspaper man, was here, at a time when newspaper men in Congress were more rare than now. Cummings was here, the patron saint and ball provider for all the Tammany braves who ever came down here and got into jail. [Laughter.] Benton McMillin was here. Uncle JOE CANNON was here, and had been here for about 15 years at the time this money was appropriated, 32 years ago, to pay this claim. [Applause.] Even then he was an old-time Member of Congress. Our present Speaker, Mr. GILLET, and our last Speaker, Mr. CLARK of

Missouri, both now regarded as old-time Members, had not then been elected for their first terms.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. JOHNSON of Washington. Yes; with pleasure.

Mr. DOWELL. Is the gentleman giving us a list of these names to show the reason why this claim was not passed at that time?

Mr. JOHNSON of Washington. Oh, no. This bill is to pay some money that they appropriated.

James S. Sherman, afterwards Vice President, was here; and Springer, of Illinois; and Joseph Wheeler, afterwards a prominent general in the Spanish-American War; and Roger Q. Mills, of Texas. [Applause.] Mills kicked down the door to break a quorum. How times have changed, but Texans even now are concerned about quorums. And Lodge, the brilliant Senator, was then in the House. [Applause.] And still another whom none will forget—Thomas B. Reed, of Maine, afterwards Speaker. [Applause.]

Of course Congress was not to blame because this sum of \$51.50 was not paid in all these 32 years, but it has been, in a measure, for the last several years. Perhaps a better way would be to say that Congress should not be called upon to handle such matters of routine as this.

Mr. ANDREWS of Nebraska. What became of the money that was appropriated to pay this bill?

Mr. JOHNSON of Washington. It lies in the Treasury subject to payment upon the proper signature on this voucher, which can not be had.

Mr. ANDREWS of Nebraska. Was the voucher ever signed?

Mr. JOHNSON of Washington. The voucher was improperly signed, but will be paid when this bill is passed. The occasion for an act of Congress is this: Charles Perry, to whom this warrant was made payable, had earned this money by carrying the mail. He disappeared and was never afterwards heard of. His wife undertook to sign his name and then her name, and on that double signature a bank in Sawyer County, Wis., paid the warrant, presented it to the Treasury Department, and, of course, it was not accepted, being improperly indorsed. Then the bank went out of business and this United States warrant was laid away in the papers of Robert Laird McCormick, who moved to Tacoma. After his death this was found among his papers. Something more than five years ago it was sent to me with a request for an act of Congress to authorize payment. Its passage was recommended by the Post Office Department, and on every claims calendar day from that time to this I have sat on this floor with this bill in my hip pocket waiting for its number to be called. It is a little more than fifty-fifty; it is \$51.50. At last it is called, and I hope it will pass. [Applause.]

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read the bill.

Mr. EDMONDS. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. ANDREWS of Nebraska. Mr. Chairman, I move to strike out the last word. It occurs to me that if the proper method had been followed this warrant could have been paid long ago. When it was drawn and failed of payment, at the end of the third year for which the appropriation was set apart, the amount of money appropriated to pay that warrant passed to outstanding liabilities to the credit of the person named in the warrant. If there was any irregularity in regard to the indorsement that could have been corrected by the regular procedure in the probate court and letters of administration could have come forward with the proper signature and the money would have been paid under the head of "Outstanding liabilities."

Let me cite a notable instance of this character. One of the United States Senators from the State of Indiana, the late Senator Turpie, had nearly \$26,000 of his salary for his last term as United States Senator standing in exactly the same position as this warrant is now. After he died his heirs came forward and cashed the checks that were still available outside of the range of outstanding liabilities, made claim of \$26,000, and I stated that account to pay the money to his estate.

This warrant stands on the same basis. Perchance this bill will expedite matters to some extent, and therefore I would not offer any objection to it. But the matter could have been adjusted long ago if it had followed out the regular course of such payments through a statement of account by the Auditor of the Treasury Department under the head of "Outstanding liabilities."

Mr. GARD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 4, after the word "the," strike out the word "heirs" and insert in lieu thereof the following: "executor or administrator."

Mr. GARD. Mr. Chairman, I do that because of the form of the bill which might impose on the Secretary of the Treasury an almost impossible task of paying the small amount of \$51.50 to what may be 40 or 50 heirs, whereas the payment should be made to the legal representative of the estate.

Mr. EDMONDS. I accept that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry. May I ask whether the committee is to be deprived of the good counsel and advice of the gentleman from Massachusetts, and, if so, for how long?

The CHAIRMAN. That is not a parliamentary inquiry. The Clerk will report the next bill.

PERRY E. BORCHERS.

The next business on the Private Calendar was the bill (H. R. 646) for the relief of Perry E. Borchers because of losses suffered, due to destruction of property and termination of contract for services because of smallpox, while in the employ of the Navy Department in Cuba.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Perry E. Borchers, of Tadmor, Ohio, out of any money in the Treasury not otherwise appropriated, the sum of \$346.45, the amount of loss sustained due to the destruction of his personal property while in quarantine and to the loss of his position through termination, by the Navy Department, of his contract for services as superintendent of construction at the United States naval station, Guantanamo Bay, Cuba.

With the following committee amendment:

Page 1, line 6, strike out the figures "\$1,195.85" and insert "\$346.45."

Mr. EDMONDS. Mr. Chairman, this bill is for the relief of the superintendent of construction at the naval station at Guantanamo, Cuba. Although Mr. Borchers asked for \$1,195 the committee felt that there was no legal obligation on the part of the Government to pay that claim, but in equity we thought he was entitled to be remunerated for the value of the clothing and the expenses of travel to his home town, amounting to \$346.45. I will yield to the gentleman from Ohio.

Mr. GARD. Mr. Chairman, I do not desire any time; the gentleman from Pennsylvania has stated the case. But I think when the committee found there was no liability for loss of wages on account of the contract that that part of the bill which sought to compensate him should have been stricken out and the bill made to compensate him for the destruction of the personal property while in quarantine. There is no allowance for contract.

Mr. BLANTON. May I suggest that it would be better to leave it in, otherwise if you strike it out he may come back in the next Congress and ask damages under these allegations, whereas if it is left in the bill it becomes in a way res judicata.

Mr. EDMONDS. I think perhaps the gentleman from Texas is right. The idea of the committee was that this was to be a complete payment.

Mr. GARD. I have no objection to it; I merely suggested that when the committee found there would be no liability on the United States on account of the contract that there should be an equitable liability on account of the loss of the personal property.

Mr. EDMONDS. It is a bonus, a gift of \$341.45, and let that cover the whole claim.

Mr. CANNON. Mr. Chairman, it seems to me you insist on keeping in the allegation of loss of compensation, and that admits that he is entitled to something for the loss of compensation on account of the contract. Was there a contract? Was he a regular naval officer?

Mr. GARD. This man went down there under a communication from the Bureau of Yards and Docks in the Department of the Navy on December 13, 1915, to take the position of superintendent of construction of the naval station at Guantanamo, Cuba, at a compensation of \$6.48 for each working day.

When he got down there he was thrown in contact in his living quarters with the smallpox, contracted the disease, and his personal goods and effects which he brought down from the States were destroyed by order of the quarantine officials. He was kept there such a length of time that he claimed that he should be compensated for the loss of the contract. In other words, when he recovered he was ready to take up the work, but the health authorities, out of a superabundant caution, refused to allow him to continue, kept him under strict quarantine, but allowed him to come to the States. They gave him no compensation except for the four or five days that he had worked.

It seemed to me that when the committee made a finding of an allowance to him for his personal property only it should not have included language with reference to the loss of the contract.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. DOWELL. This damage is the cause of disease contracted by this claimant?

Mr. GARD. The element of damage as claimed by Mr. Borchers is this: He had been summoned to this place in Cuba and was placed in contact with a smallpox patient by reason of his employment. The smallpox he contracted, and when he recovered and was ready to continue the obligations of his contract they refused to allow him to proceed.

Mr. DOWELL. He was the superintendent of construction?

Mr. GARD. Yes.

Mr. DOWELL. In the employ of the Government?

Mr. GARD. Yes.

Mr. DOWELL. Is the Government liable for damages because he contracted a disease while he was in the employ of the Government?

Mr. GARD. Oh, no. It is not because he contracted disease. In fact, the question is not debatable, because the committee found that he was not entitled to anything on that account.

Mr. DOWELL. But the damage grows out of the fact, however, that he contracted the disease for which his clothing or something was destroyed.

Mr. GARD. He contracted the disease down there in the service, in line of duty, being placed in a position where he could contract it, and then his clothing and everything he had were destroyed.

Mr. DOWELL. If he is not entitled to anything by reason of a damage case on the part of the Government, why is the Government liable for damages to clothing which is based upon the same statement of facts?

Mr. GARD. I do not know, as a legal proposition, but I suspect this would be the reason on which the committee acted; I did not appear before the committee, and I do not know. The matter was presented by Mr. Borchers. I have no information about it save that I introduced the bill at his request. I suspect the element of damage by loss of property was much more easily arrived at than the amount of damage he would get by reason of his being refused to be allowed to carry out his contractual obligations as superintendent of construction.

Mr. HICKS. Is it not easy to assume that the destruction of his clothing was a general health proposition for the benefit of all others who might be in the neighborhood?

Mr. GARD. They destroyed his clothing and everything that he had.

Mr. HICKS. And it was the proper thing to do, it seems to me.

Mr. GARD. I suspect it was, under the circumstances. At least, as a health protection they thought it was the proper thing to do, and this committee thought that having destroyed his clothing he should be compensated therefor.

Mr. DOWELL. Mr. Chairman, a few moments ago the gentleman was suggesting that the other claim should be determined by the courts. Is not this a claim that should go to the Court of Claims? Does not the same reason for sending the other claim to the Court of Claims exist in this case?

Mr. GARD. Oh, no.

Mr. DOWELL. Is there any difference?

Mr. GARD. Oh, yes. The other claim, as I tried to explain, is whether the United States is responsible for the tort of an employee or person in its military service. This claim is one whether the Government is responsible for property actually destroyed by the Government.

Mr. DOWELL. Then the gentleman would say if the committee had allowed anything because of damages to an individual it would have come under the same rule—personal injury?

Mr. EDMONDS. I think the gentleman has that a little wrong.

Mr. GARD. Oh, no; the difference is as wide as the poles.

Mr. DOWELL. The bill reads as follows—

Mr. GARD. One question arose as damages for tort, the unlawful act causing the death of another man, and this is the admitted destruction by the Government of one's property.

Mr. DOWELL. But if the gentleman will permit, the bill reads as follows:

The amount of loss sustained due to the destruction of his personal property while in quarantine and to the loss of his position through termination, by the Navy Department, of his contract for services as superintendent of construction.

Mr. GARD. Yes.

Mr. DOWELL. The committee allowed nothing, as I understand it, for the loss of his position, but, as I understand the argument of the gentleman, if the committee had made such an allowance, then the rule that the gentleman applied to the other bill would apply to this, and it should have gone to the court.

Mr. GARD. No; I do not think so. I can see, and I suspect the gentleman can, a very wide difference between damages and responsibilities of the United States for things it actually does itself and things which some soldier or civilian employee may do and which we call by the legal name of tort.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. EVANS of Nebraska. If I understand the gentleman from Ohio, where there was a tort, he would send it to a court to determine the amount of damages. That is the question of fact, but where it was not a tort he would not send it to a court. Is that the distinction he makes? If I understand the chairman of the committee, he says there is no legal liability in this case at all.

Mr. GARD. No; he does not do that.

Mr. EVANS of Nebraska. Does the gentleman from Ohio in that case think we ought to vote for this bill, when there is no legal liability?

Mr. GARD. The gentleman has not said that, as I understood him. What the gentleman said was he thought there was no legal liability on the contract, and the other part arose by reason of the fact that the Government actually destroyed this man's clothing.

Mr. EVANS of Nebraska. The gentleman's understanding and recollection of the chairman's statement is different from mine. I understood him to say there was no legal liability whatever, only an equitable one.

Mr. DOWELL. Will the gentleman yield for one other question?

Mr. GARD. I have not the floor, but I would be glad to afford information.

Mr. EDMONDS. I yield to the gentleman.

Mr. DOWELL. Is it not true in all cases of quarantine that under the laws of the various States the property is destroyed which would in any manner scatter the disease?

Mr. GARD. Well, if that is not true, it should be true.

Mr. DOWELL. Why should the Government pay this claim any more than other claims where clothing and property are destroyed?

Mr. GARD. There is no reason why this claim should be singled out before any other claim. It was presented as a proper claim and allowed by the Committee on Claims, which is all the reason I know.

Mr. DOWELL. Do I understand the gentleman to say there is no legal liability whatever for the payment of this?

Mr. GARD. The only liability is that found in the presentation of the claim and the consideration of the evidence by the committee and what is in this bill that creates a liability as any other liability. If there had been a legal liability, there would be no occasion for this character of legislation.

Mr. DARROW. This is for the destruction of clothing to prevent the scattering of the disease of smallpox. That is enforced, as I understand it, under all quarantine laws, and this is no exception. This is done in all cases. Then the question arises, the committee says there is no legal liability whatever, then why is this claim here and why is it presented to the House?

Mr. EDMONDS. Mr. Chairman, I will answer that. Mr. Chairman, this bill is to reimburse this man as superintendent of construction. He was employed in this country to go down and superintend the building of a building at the naval station at Guantanamo, Cuba. Unfortunately, after he had been there five or six days he caught the smallpox. He was laid up; the construction had to go on, was carried on by the department, probably, with some other superintendent of construction. When the man got well there was no work for him. After he had taken the smallpox, of course, they destroyed all of his clothing. It seemed like a peculiar hardship not to give him any redress at all. He had been employed by the Government; he had earned no salary; he had taken a long trip to a tropical clime; he had been exposed to smallpox.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. EDMONDS. Yes; surely.

Mr. DOWELL. This claim provides for the payment of his traveling expenses home.

Mr. EDMONDS. From Washington.

Mr. DOWELL. Yes. In any event, when his employment ceased there was no obligation on the part of the Government to pay his traveling expenses one way or another, and I am unable

to understand why the committee and how it could find that the Government, under any construction, should pay his traveling expenses to any place.

Mr. EDMONDS. My understanding is that the Government was under contract with him to send him to Guantanamo and bring him back. They did that in one of the Navy ships.

Mr. DOWELL. And that they performed?

Mr. EDMONDS. They performed that duty. When he came back here he was supposed to be returned home. That was my understanding.

Mr. DOWELL. Does the gentleman mean now that the Government had a contract by which he was to have his expenses paid to his home after his return?

Mr. EDMONDS. I think that is true, but I will not say that positively.

Mr. DOWELL. That would seem to me a very peculiar contract.

Mr. GARD. If the gentleman will pardon the interruption, the information as disclosed on page 5 of the report as given by Civil Engineer Thurber, United States Navy, is as follows:

Transportation from your home to Guantanamo and return will undoubtedly be paid by the Government. Will you please let me know whether or not you would accept this position if offered to you?

Mr. DOWELL. Will the gentleman yield for just one other question? If there is a contract, as the chairman of the committee suggests, for the payment of expenses to his home, then certainly this claim has no place before this House, because it is then the duty of that department to pay that claim, because there is a valid and binding contract. Now, if there is no contract, there is no obligation, and certainly we will be going a long way to start upon the practice of paying expenses of employees to their homes when there is no contract and no obligation on the part of the Government to pay it.

Mr. BLANTON. Will the gentleman yield?

Mr. DOWELL. Certainly.

Mr. BLANTON. The chairman of the committee has stated clearly on the floor to-day with respect to all these claims that there is no legal liability on the part of the Government.

Mr. EDMONDS. I say most of the claims that come before the committee—

Mr. DOWELL. Now, it is claimed that there is a contract by which the railroad fare and expenses to his home were to be paid?

Mr. EDMONDS. I think it is very probable that, owing to the fact that he did not complete his contract, the Government refused to pay his fare home, although they did agree to pay it.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. ANDREWS of Nebraska. May I suggest if there were a legal liability for a claim the account should be stated in the department, and it is because of the absence of a legal basis that it would appear before the Committee on Claims.

Mr. EDMONDS. That is exactly.

Mr. ANDREWS of Nebraska. If there be a legal basis for a claim, the law which authorizes the creation of an obligation offers the foundation for the settlement of the question by an accounting officer, and the submission of the certificate of settlement to the Committee on Appropriations for payment. Now, on that basis there would be a legal foundation, and it would then go to the Committee on Appropriations and not to the Committee on Claims. But where many of these cases arise, as they do in the course of the Government, where the equities are clear and well defined, the case can come to the Committee on Claims, and it passes upon the equity and submits the evidence, and Congress furnishes the legal basis for payment of the money.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. EDMONDS. Certainly.

Mr. GREEN of Iowa. While there was not a legal liability, and in most of the cases presented to the Committee on Claims there would not be, because the Government could not be sued or make a contract or be liable in the same way as an individual, in this case there might be an obligation from the fact that the engineer, C. D. Thurber, of the Navy, who directed him to go to this place, said in his letter directing him to report at Guantanamo:

Transportation from your home to Guantanamo and return will undoubtedly be paid by the Government.

An obligation might arise from that.

Mr. EDMONDS. The probabilities are that the man, not being able to complete his contract after arriving in Cuba, came back home and did not get the reimbursement for his fare. I ask that the bill be read for amendment.

The bill was read for amendment.

Also the following committee amendment was read:

Committee amendment: Page 1, line 6, strike out the figures "\$1,195.85" and insert in lieu thereof the figures "\$346.45."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. EDMONDS. Mr. Chairman, I move the bill be laid aside with a favorable recommendation.

The motion was agreed to.

AMHERST W. BARBER.

Mr. EDMONDS. Mr. Chairman, I would like to call up the next bill on the calendar.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

An act (S. 1377) for the relief of Amherst W. Barber.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, to Amherst W. Barber, the sum of \$263.37, for the resurvey of 23 miles, 75 chains, and 42 links of township lines on public lands in the State of Colorado, executed by him and necessary to complete the lines of survey embraced in his contract No. 710, dated April 2, 1885.

Mr. WALSH. Mr. Chairman—

Mr. KNUTSON. Mr. Chairman, I ask to be recognized.

Mr. WALSH. So do I.

Mr. KNUTSON. I have not had the floor to-day. [Laughter.]

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. KNUTSON. Mr. Chairman, this is a claim for the sum of \$263.37, for a resurvey made by a man named Barber in 1885, of some public lands in the State of Colorado. The claim has been approved by the Secretary of the Interior, who has written the committee a letter saying that it is, in his opinion, a just claim against the Government.

When Mr. Barber presented his claim for the resurvey made, the amount claimed by him was disallowed, presumably for the reason that the funds to which resurveys were chargeable had become exhausted. It is a claim that Mr. Barber has had against the Government for 34 years. It has passed the Senate on several occasions, and was before the House throughout the entire Sixty-fifth Congress. Senator NELSON, who is the author of this bill, is very anxious to get it through, in view of the fact that Mr. Barber is in very poor health.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. GREEN of Iowa. I understand the reason why it was not paid, to begin with, was because the appropriation or fund for such purposes was exhausted.

Mr. KNUTSON. That is what the Secretary of the Interior said.

Mr. GREEN of Iowa. Otherwise it would have been paid shortly after the work was completed?

Mr. KNUTSON. The Government adopted the work which Mr. Barber had done.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to my friend from Massachusetts.

Mr. WALSH. Was the gentleman who is to be the beneficiary of this bill employed by the department to do this work?

Mr. KNUTSON. No. I think that Mr. Barber at the time was assistant surveyor of the State of Colorado, and the Government employed him to do certain surveying under contract.

Mr. WALSH. Under contract with whom?

Mr. KNUTSON. With the Government, at so much. I do not know upon what terms surveyors work, but I presume it is so much per quarter or so much per section or so much per mile. Whatever it may be, the report shows that it was necessary in making the survey to make certain resurveys of township lines, and that the Government subsequently adopted the resurveys made by Mr. Barber.

Mr. WALSH. They paid for the original surveys, I assume. They were wrong, and now are to pay for the resurveys?

Mr. KNUTSON. There is nothing to show that the original surveys, which were wrong, were made by Mr. Barber.

Mr. WALSH. There is not much of anything shown in the report. The department recommends the bill. I am not opposed to the measure, but I am trying to ascertain whether the beneficiary of this bill made the surveys and also made the resurveys?

Mr. KNUTSON. I am frank to say that I can not answer the gentleman authentically on that, but I will say that there is nothing in the report to show that he made the original surveys.

Mr. WALSH. This claim has been pending for some little time, I understand?

Mr. KNUTSON. I do not know how long it has been before Congress, but it has been here for three years to my own knowledge, and in that time it has passed the Senate twice.

Mr. WALSH. And Mr. Barber is now in poor health?

Mr. KNUTSON. He is in poor health and in poor circumstances.

Mr. ALMON. The gentleman says the bill had passed Congress.

Mr. KNUTSON. If I said that I meant the Senate.

Mr. ALMON. The gentleman said "Congress" several times.

Mr. KNUTSON. I meant the Senate.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, to Amherst W. Barber, the sum of \$263.37, for the resurvey of 23 miles, 75 chains, and 42 links of township lines on public lands in the State of Colorado, executed by him and necessary to complete the lines of survey embraced in his contract No. 710, dated April 2, 1885.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with favorable recommendation.

The CHAIRMAN. The gentleman from Pennsylvania moves that the bill be laid aside with favorable recommendation. The question is on agreeing to that motion.

The motion was agreed to.

Mr. EDMONDS. Mr. Chairman, I move that the committee rise and report to the House the bills that have been passed, with the recommendation that the amendments be agreed to, and that the bills that have been amended and those without amendment be passed.

The CHAIRMAN. The gentleman from Pennsylvania moves that the committee rise and report to the House sundry bills that have been under consideration by the House, some with and some without amendments, with the recommendation that the amendments be agreed to and that the bills be passed.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration sundry bills, had directed him to report the same back to the House, some with amendments and some without, with the recommendation that the amendments be agreed to and that the bills do pass.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bills and amendments to final passage.

The SPEAKER. The Clerk will report the first one.

The Clerk read as follows:

A bill (H. R. 5348) for the relief of Mrs. Thomas McGovern.

With an amendment.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill and amendment.

The previous question was ordered.

Mr. CANNON. It can not be done by wholesale, I guess.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on ordering the bill as amended to be engrossed and read a third time.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. GARD. Mr. Speaker, I desire to make a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GARD. Yes. I move to recommit the bill to the Committee on Claims, with the instructions to report it back forthwith after striking out all after the enacting clause and substituting therefor the language which I submit.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GARD moves to recommit the bill to the Committee on Claims, with instructions to report it forthwith, after striking out all the matter after the enacting clause and substituting therefor the following:

"That Mrs. Thomas McGovern, or the authorized legal representatives of Thomas McGovern, deceased, may sue the United States for the benefit of the widow and children of said deceased in the district court of the United States for the district of Nebraska under the rules governing such court for damages because of the death of said Thomas McGovern, and said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the authorized legal representatives of Thomas McGovern, deceased, upon the same principles and measures of liability

as in like cases between private parties, and with the same rights of appeal: *Provided*, That such suit shall be commenced within four months after the date of the passage of this act."

Mr. DOWELL. Mr. Speaker, I desire to make the point of order that the amendment is not germane to the bill. This question, I will say to the Speaker, was raised in committee, and the point of order was sustained. If the Chair desires to hear arguments on the point of order I shall be glad to assign my reasons.

The SPEAKER. The Chair does not care to hear the arguments. In the first place, if it was sustained by the Chairman of the Committee of the Whole House on the state of the Union, the Chair would be very much disposed to follow that decision in any event; but there is a decision which has been called to the attention of the Chair which is exactly in point, and the Chair sustains the point of order.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report. Is the gentleman opposed to the bill?

Mr. BLANTON. I am.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on Claims, with instructions to report the same back to the House forthwith, with the following amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

"That there be, and is hereby, conferred upon the Court of Claims power and jurisdiction to hear and determine the facts connected with all claims against the United States Government based upon injuries sustained through the alleged negligence of agents and servants of the United States, occurring since April 6, 1917, and to make proper findings of fact thereon."

Mr. DOWELL. Mr. Speaker—

Mr. HICKS. Mr. Speaker, I make a point of order against that.

The SPEAKER. Will the gentleman state his point of order?

Mr. HICKS. It seems to me this is almost in line—

Mr. BLANTON. Mr. Speaker, in order to save time I admit that it is subject to the point of order, if the point is made.

The SPEAKER. The Chair sustains the point of order. The previous question having been ordered, the question is on the passage of the bill.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present, and pending that I move that the House do now adjourn.

Mr. WALSH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The Chair will state it.

Mr. WALSH. If the House should now adjourn, the previous question having been ordered on the bill, would the vote come on the bill immediately after the reading of the Journal to-morrow morning?

The SPEAKER. The previous question having been ordered, the Chair thinks it would.

ADJOURNMENT.

Mr. EDMONDS. Then I move that the House do now adjourn.

Mr. DOWELL. Has the Chair determined that there is no quorum present?

The SPEAKER. The Chair thinks no quorum is present.

Mr. DOWELL. I move a call of the House.

The SPEAKER. The gentleman from Pennsylvania [Mr. EDMONDS] moves that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 51 minutes p. m.) the House adjourned until Saturday, October 4, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Postmaster General transmitting certain information in compliance with House resolution 70, dated June 5, 1919, together with a list of employees in the Post Office Department proper at Washington, D. C. (H. Doc. No. 255); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting letter from the Chief of Engineers, United States Army, together with report and map on a preliminary examination of Hillsboro River, Fla., from Michigan Avenue to Lafayette Street Bridge, Tampa, Fla., authorized by the river and harbor act approved August 8, 1917 (H. Doc. No. 256); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

3. A letter from the Acting Secretary of War transmitting a letter from the Chief of Engineers, United States Army, to-

gether with report and map on a preliminary examination of Tingipahola River, La., authorized by the river and harbor act approved July 27, 1916 (H. Doc. No. 257); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SCOTT, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 3620) to authorize the Commissioner of Navigation to change the names of vessels, reported the same without amendment, accompanied by a report (No. 352), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ELSTON, from the Committee on Indian Affairs, to which was referred the bill (H. R. 2264) for the relief of the St. Croix Chippewa Indians of Wisconsin, reported the same without amendment, accompanied by a report (No. 350), which said bill and report were referred to the Private Calendar.

Mr. BENHAM, from the Committee on the Public Lands, to which was referred the bill (H. R. 6136) authorizing the Secretary of the Interior to sell certain lands to school district No. 21 of Fremont County, Wyo., reported the same with amendment, accompanied by a report (No. 351), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9661) granting a pension to Sarah E. Pugh; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1001) granting an increase of pension to George C. Peterson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MEAD: A bill (H. R. 9690) authorizing the Secretary of War to donate to the town of Bladell, County of Erie, State of New York, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 9691) for the purchase of land adjoining Fort Bliss, Tex.; to the Committee on Military Affairs.

By Mr. ROWE: A bill (H. R. 9692) to amend section 13 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion; and to secure the abrogation of treaty provisions in relation thereof; and to promote safety at sea," approved March 4, 1915; to the Committee on the Merchant Marine and Fisheries.

By Mr. BLAND of Missouri: A bill (H. R. 9693) authorizing the Secretary of War to donate to the city of Kansas City, Mo., certain German cannons or guns; to the Committee on Military Affairs.

By Mr. BUTLER: A bill (H. R. 9694) to authorize the Bureau of Navigation, Navy Department, to furnish to the proper officers of the several States, Territories, insular possessions, and the District of Columbia, of the United States, statements of the services of all persons from those places who entered the naval service during the war with Germany, and for other purposes; to the Committee on Naval Affairs.

By Mr. HENRY T. RAINEY: A bill (H. R. 9695) authorizing the Secretary of War to donate to the town of Athens, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. JOHNSON of Mississippi: A bill (H. R. 9696) providing for the purchase of a site and the erection of a public building thereon at Monticello, Lawrence County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. SANDERS of Louisiana: A bill (H. R. 9697) to extend the time for the construction of a bridge across Pearl River,

between Pearl River County, Miss., and Washington Parish, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. KING: A bill (H. R. 9698) authorizing the Secretary of War to donate to the town of Maquon, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. TINKHAM: Resolution (H. Res. 320) opposing the use of armed forces of the United States in Europe and Asia; to the Committee on Foreign Affairs.

By Mr. LAYTON: Joint resolution (H. J. Res. 222) directing the Secretary of War to dispose of surplus dental outfits; to the Committee on Military Affairs.

By Mr. BLAND of Virginia: Joint resolution (H. J. Res. 223) authorizing the establishment of a free port of entry at Newport News, Va.; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 9699) authorizing the Secretary of War to place the name of Joseph F. Ritherdson on the rolls of Company C, One hundred and twenty-second Illinois Volunteer Infantry, and issue him an honorable discharge; to the Committee on Military Affairs.

By Mr. COLLIER: A bill (H. R. 9700) for the relief of Mrs. Ivy Gass Bratton; to the Committee on Claims.

By Mr. DARROW: A bill (H. R. 9701) granting an increase of pension to Alfred W. Shipman; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 9702) granting certain lands to the city of Sandpoint, Idaho, to protect the watershed of the water-supply system of said city; to the Committee on the Public Lands.

By Mr. GILLET (by request): A bill (H. R. 9703) to confer jurisdiction upon the United States Court of Claims to determine the rights and equities contested for by certain persons designated in the bill in equity filed in the Supreme Court of the District of Columbia, 1915, styled and numbered as H. N. Johnson, Rebecca Bowers, C. B. Williams, and Mamie Thompson, and all other persons similarly interested in the subject matter, No. 33573 on the docket of that court; and also the same action determined in the Court of Appeals of the District of Columbia, No. 2918, on the docket of the said court of appeals, wherein in both said courts W. G. McAdoo, Secretary of the United States Treasury, was defendant, and wherein said claimants sought judgment against the \$68,072,388.99 collected under acts of Congress approved June 2, 1862, and amendatory acts up to the year of 1868, inclusive, and to determine the constitutionality of the acts of Congress authorizing said revenue tax on raw cotton; to the Committee on Claims.

By Mr. GRAHAM of Illinois: A bill (H. R. 9704) granting a pension to Georgiana Atkinson; to the Committee on Invalid Pensions.

By Mr. HARDY of Texas: A bill (H. R. 9705) granting an increase of pension to Martha E. Johnston; to the Committee on Pensions.

By Mr. JOHNSON of Mississippi: A bill (H. R. 9706) granting an increase of pension to George Mathews; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 9707) granting an increase of pension to Allen A. Wesley; to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 9708) to remove the charge of desertion from the military record of Joseph W. Jones; to the Committee on Military Affairs.

By Mr. RIDDICK: A bill (H. R. 9709) to provide for the allotment of lands of the Crow Tribe, for distribution of tribal funds, and for other purposes; to the Committee on Indian Affairs.

By Mr. ROSE: A bill (H. R. 9710) granting a pension to Julia A. Shoop; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 9711) granting an increase of pension to Samuel T. Lawrence; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 9712) granting a pension to Martha J. Holden; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 9713) granting an increase of pension to Daniel W. Conger; to the Committee on Invalid Pensions.

By Mr. SWOPE: A bill (H. R. 9714) granting a pension to Edward R. Baker; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 9715) granting an increase of pension to James A. Butt; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEGG: Petition of employees of the Star Theater, Sandusky, Ohio, urging the repeal of motion-picture taxes; to the Committee on Ways and Means.

By Mr. BURDICK: Petition of Rhode Island State Branch, American Federation of Labor, advocating increase in pay for postal workers between 6 p. m. and 6 a. m.; to the Committee on the Post Office and Post Roads.

Also, petition of Rhode Island State Branch, American Federation of Labor, advocating double time for all overtime worked in first and second class post offices; to the Committee on the Post Office and Post Roads.

Also, petition of Padralc Pearse Branch, Friends of Irish Freedom, Woonsocket, R. I., indorsing the choice of the Irish electorate as in harmony with ideals of democracy; to the Committee on Foreign Affairs.

Also, petition of Newport branch, No. 7, National Association of United States Civil Service Employees at Navy Yards and Stations, favoring an immediate increase in salaries of at least 40 per cent; to the Committee on Naval Affairs.

By Mr. CROWTHER: Petition of Retail Grocers' Association of New York, protesting against the provisions of the Siegel bill; to the Committee on Agriculture.

Also, petition of sundry citizens of New York, requesting Congress to extend official recognition to the Government of Lithuania; to the Committee on Foreign Affairs.

By Mr. DONOVAN: Petition of American Defense Society (Inc.) protesting against the proposed German opera in New York, to be given by the Otto Goritz Co. October 20; to the Committee on Foreign Affairs.

By Mr. O'CONNELL: Petition of J. L. Max, of New York City, appealing to Congress to give moral support to the Lithuanian people in their struggle against the Bolsheviks and Polish militarism by recognizing the Lithuanian Republic as an independent State; to the Committee on Foreign Affairs.

By Mr. ROSE: Petition of Blair County Central Committee of the Plumb Plan League, favoring passage of House bill 8157, known as the Sims bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER: Resolutions adopted by a Lithuanian mass meeting at Utica, N. Y., for the moral support of Congress against Bolshevism and Polish militarism; to the Committee on Foreign Affairs.

By Mr. WATSON of Pennsylvania: Petition of Allen McGinty and others, of Pennsylvania, protesting against the Smith-Towner educational bill; to the Committee on Education.

HOUSE OF REPRESENTATIVES.

SATURDAY, October 4, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, source of all our longings, hopes, and aspirations, enrich our minds and hearts plenteously with heavenly gifts; that we may abhor evil and cleave to that which is good; that we judge not our brother, but do unto him as we would have him do unto us; that we keep a conscience void of offense toward Thee and our fellow men; that Thy ways may be our ways; that we go about our Father's business to-day and all days in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ANDREWS of Maryland, for three days, on account of illness.

To Mr. McARTHUR, at the request of Mr. HAWLEY, until October 15, 1919, on account of illness.

To Mr. KRAUS, for one day, on account of personal business.

To Mr. BURDICK, for five days, on account of important business.

To Mr. DEWALT, until October 7, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bill of the following title,